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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 13 to 15, in accordance with the third stage of the programme established by the Economic and Social Council in its resolution 1988 (LX)

Addendum

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND DEPENDENT TERRITORIES*

[23 September 1993]

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* The initial report submitted by the Government of the United Kingdom of Great Britain and Northern Ireland on rights covered by articles 13 to 15 of the Covenant (E/1982/3/Add.16) was considered by the Sessional Working Group of Governmental Experts at its 1982 session (see E/1982/WG.1/SR.19-21).

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Part One

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Implementation of the general spirit of article 13

1. References to legislative or administrative measures normally relate to provisions covering England and Wales but corresponding provisions exist in Scotland and Northern Ireland, unless otherwise stated.

2. Educational provision in the United Kingdom of Great Britain and Northern Ireland is not racially segregated. The Race Relations Act of 1976 makes it illegal for educational establishments in Great Britain to discriminate against the admission of any pupil or student on racial grounds. The Government is considering how best to provide similar protection to minority groups in Northern Ireland.

Article 13

A. General

3. Under the 1944 Education Act it is the duty of the local education authorities to provide appropriate education free of charge, suited to the age, ability and aptitude of all children in their areas who may be presented for education; and of parents to cause their children to receive suitable education, by regular attendance at school or otherwise (sects. 7, 8, 61 and 36 of the 1944 Education Act). Education is compulsory for all children from 5 to 16 years of age in England, Wales and Scotland, and from 4 to 16 in Northern Ireland.

4. The 1988 Education Reform Act provides parents with the opportunity to apply to the Secretary of State for Education for their school to be awarded grant-maintained status. Grant-maintained schools are no longer maintained by local education authorities but receive their funding direct from the Secretary of State. They are responsible for all aspects of the management of their affairs including decisions about the deployment of funds and the employment of staff.

5. Sections 17 to 19 of the 1976 Race Relations Act, which were brought to the attention of local authorities through the issue of a circular on the Act, make it illegal to discriminate on racial grounds in the provision of educational facilities. An annex to the circular, issued in March 1981, drew attention to these provisions, to the paragraphs of the Education Acts relevant to the admission to schools of pupils of overseas origin, and to European Community Regulation 1612/68, which is directly enforceable in domestic law. This information was also included in a circular issued in October 1988 which superseded the previous circular. A circular issued in July 1981 drew attention to the 1977 European Domestic Community Directive on the Education of Migrant Workers' Children.

Schools and ethnic diversity

6. It has been government policy since the publication of the Swann report (report of the Committee of Enquiry into the Education of Children from Ethnic Minority Groups) in 1985 that ethnic minority pupils should have the same opportunity as all others to profit from what schools offer them and that schools should preserve and transmit our national values in a way which accepts Britain's ethnic diversity and promotes tolerance and racial harmony.

7. It is for individual local education authorities and schools to determine, in the light of their own needs and circumstances, how to give effect to this policy. They have a statutory duty to provide suitable and efficient primary and secondary education free of charge to all children in their area.

8. For a child who speaks little or no English the provision of a suitable education must entail the provision of English language tuition appropriate to the child's needs. LEAs therefore need to determine how best to support pupils whose mother tongue is not English so that they can develop a command of English equal, as far as possible, to that of their peers. Central government makes grant support available to LEAs for the employment of bilingual teachers and classroom assistants to provide mother tongue support, particularly in the early primary years.

9. The Government has supported these lines of policy by many measures. Those to raise pupil achievement generally culminated in the Education Reform Act 1988, which established a national curriculum. Under the National Curriculum all pupils will study three core subjects - mathematics, English and science - and seven other foundation subjects - technology, history, geography, art, music, physical education and, for secondary pupils, a modern foreign language. One of the main objectives of the National Curriculum is to ensure that all pupils in maintained schools have a coherent curriculum designed to encourage all pupils to achieve their full potential and which prepares them for the opportunities and experience of adult life.

10. The National Curriculum Council and the School Examination and Assessment Council, established by the Government under the 1988 Act to advise on the curriculum and assessment, are both required, in exercising their functions, to take account of the ethnic and cultural diversity of British society and the importance of promoting equal opportunities for all pupils, regardless of ethnic origin and gender.

11. For each core and foundation subject, attainment targets set out the essential skills and knowledge pupils should have obtained at certain key stages in their education, and programmes of study lay down the ground that needs to be covered to enable pupils to meet these targets. The targets and programmes of study are relevant to pupils of all ages and abilities.

12. All pupils, including those for whom English is not their first language, will follow the same attainment targets and programmes of study for English. A variety of initiatives has also been undertaken aimed specifically at improving the response of the education service to ethnic diversity. They include action on initial and in-service teacher training measures to increase

the recruitment of ethnic minority teachers, the introduction of ethnic monitoring of teachers and pupils, pilot projects to meet educational needs in a multi-ethnic society, and action on the curriculum and on examinations.

13. The National Currriculum will ensure for the first time that all pupils aged 11 to 16 study a modern foreign language. The Government's aim is to widen the choice of first foreign language provision. Nineteen languages have been specified as eligible to be a National Curriculum foundation language - the 8 working languages of the European Community and 11 others of commercial and cultural importance, including some ethnic community languages, for example Bengali, Gujarati, Hindi, Punjabi and Urdu.

Further education

14. Access to institutes of further and higher education is based on merit and on a tested suitability to participate in particular courses, without discrimination as to race or sex. A proportion of candidates for vocational courses must obtain their employers' permission to attend.

15. The Government is keen to recruit teachers from the ethnic minority communities and teacher recruitment publicity, produced on behalf of the Department for Education, reflects the desirability of recruiting ethnic minority teachers into the teaching force.

16. In September 1990 the Government introduced the licensed teacher route to enable people with suitable skills and experience but without formal teaching qualifications to undertake a period of parallel employment and training as a teacher, leading to the award of qualified teacher status. The new arrangements were used, inter alia, to facilitate the entry to teaching of members of ethnic minorities, especially from overseas. In September 1991 the Government established the overseas trained teacher route, under which teachers with qualifications gained outside the United Kingdom including those from ethnic minorities, although it is not specifically directed at them, could undergo a period of employment and training leading to qualified teacher status.

17. Access courses are intended to help those who dropped out of education early by providing an alternative route into higher education for adults without formal qualifications. They are specifically designed for mature students and recruitment is targeted on those parts of the community which are traditionally under-represented in higher education. Many access courses are aimed specifically at attracting people into teachintg and some of these are targeted on ethnic minorities. In addition, several initial teacher training institutions have run Teaching Taster courses with the purpose of giving information about teaching to people from the ethnic minorities.

18. The general approach of successive Governments has been that the most fundamental needs of the ethnic minorities are essentially the same as the population as a whole, and that it is through the general expenditure programmes of central and local government that these needs should be met. It has been recognized that these general programmes need to be adapted to the presence of ethnic minorities and to be sensitive to the special needs arising from language and culture differences. To encourage this, Governments have

paid specific grants to local authorities, primarily through the Local Government Act 1966 (Section 11) and, because substantial numbers of ethnic minorities live in inner city areas, the Urban Programme (Local Government Grants (Social Needs) Act 1969) has also made a vital contribution.

19. Through the education support grant programme, funding has been provided for three rounds of pilot projects related to meeting the educational needs of ethnic minorities, promoting racial harmony and in other ways preparing pupils and students for life in a multi-ethnic society. Some 120 projects have been funded. For three years from September 1986 the in-service teacher training grants scheme included "teaching and the curriculum in a multi-ethnic society" as a national priority area. During that time more than 81,000 school teachers received in-service training in this area.

Education in Northern Ireland

20. In Northern Ireland the schools and other educational interests have an important role to play in helping to increase understanding between the two communities and thus heal the divisions which exist in society.

21. All grant-related schools are open to pupils regardless of their religious or political backgrounds but in practice the majority of Protestant pupils attend controlled or State schools while Roman Catholic pupils attend voluntary schools under Church management. The statutory curriculum, however, includes two compulsory cross-curricular themes, Education for Mutual Understanding and Cultural Heritage, which are designed to enable pupils to understand and respect their own cultural heritage and that of others. One third of all schools also participate in cross-community contacts schemes in which pupils engage in cooperative events and projects with their counterparts from the other religious background.

22. The Government has also sought to encourage the development of religiously integrated schools, where parents wish it for their children. New integrated schools can be established ab initio but there are also arrangements by which existing segregated schools can opt to become integrated through a ballot of parents. There are now 18 integrated schools with 3,350 pupils.

23. Initial teacher training is provided by the education departments of the two universities in Northern Ireland and in two colleges of education, one of which is non-denominational, while the other is a Roman Catholic voluntary college. Teacher training in the universities is fully religiously integrated and in 1990 the two colleges of education introduced a joint programme of Education for Mutual Understanding. This ensures that there is the opportunity for students to work together for significant periods as an integral part of both college and school-based studies.

B. Article 13, paragraphs 1 and 2 (d)

Paragraph 1

24. The Government seeks to encourage a wide variety of good quality educational opportunities for adults and to increase and widen participation in higher education by adults who may not have the conventional entry qualifications.

25. The duty to secure further education for adults, which currently falls to Local Education Authorities (LEAs) under the Education Act 1944, is under the Further and Higher Education Act 1992, retained in full. The duty will be divided, with effect from 1 April 1993, between new Further Education Funding Councils (FEFCs) and LEAs.

26. The FEFCs will have a duty to fund a basic framework of progression ranging from basic skills right through to the threshold of higher education. The scope of this duty includes courses leading to academic and vocational qualifications, courses enabling adults to gain access to such qualifications, basic skills courses and courses to develop proficiency in English as a second language. The FEFCs will in addition fund education for adults provided by the Workers' Education Association and the Long Term Residential Colleges.

27. LEAs will retain the duty to secure all other types of further education provision for adults and will continue to receive public funding in recognition of their continuing duty. This duty will cover less formal courses which meet adults' general educational and leisure interests and which can provide a stepping stone to higher level courses. LEAs can also support voluntary bodies' provision for adults.

28. Widening educational opportunities for those without traditional qualifications is one of the Government's principal aims. Between 1979 and 1990 the numbers of mature home first-year students in higher education increased overall from 131,000 to 231,000, a 76 per cent increase. This growth is attributed at least in part to improved access opportunities.

29. In 1980 the Government established the Adult Literacy and Basic Skills Unit (ALBSU) to act as a central focus for adult literacy, numeracy and related basic skills. The government grant to ALBSU now stands at well over £3 million, having gone up six-fold since 1980.

30. In November 1990 ALBSU estimated that some 120,000 adults were receiving help with basic literacy or numeracy. This compares with the 1980 figure of 85,000. Almost 49,000 people were reported as receiving tuition in English for Speakers of Other Languages (ESOL) in 1990. The comparable figure for 1986 was 37,000.

Paragraph 2 (d)

31. LEAs are currently the main providers of adult literacy and other basic skills tuition. Under the Further and Higher Education Act 1992, the duty to provide basic skills and ESOL courses will fall to the FEFCs.

32. The Government is strongly in favour of promoting wider acceptance of the principles of credit accumulation and transfer which extend educational opportunities for adults. It provides practical support by funding the Educational Counselling and Credit Transfer Information Service (ECCTIS), a national computerized information service about opportunities in further and higher education. ECCTIS collects and disseminates information about non-standard entry requirements and credit transfer schemes, thereby supporting the development and implementation of credit transfer activity. A task force to promote the further development of CAT is to be established, with strong encouragement from the Government.

Article 13, 2 (a), (b), (c) and (e)

33. These criteria, in particular those in paragraph 2 (a), were already well met in this country before the Covenant came into force. The 1988 Education Reform Act, sections 106 to 111, 117 and 118 clarified the provision of education, thereby identifying what charges could be passed on to parents.

Paragraph 2 (a) and (b)

34. It is the duty of local education authorities to provide, free of charge for tuition, efficient education to meet the needs of the population of their areas. This duty applies to the provision of primary, secondary and further education (1944 Education Act, sects. 7 and 61). The 1988 Education Reform Act further refines the provision of free school education in respect of primary and secondary schools to include the prohibition of charges for any activity that takes place during school hours, with the exception of individual music tuition. All parents continue to have a duty to ensure that their children of compulsory school age receive full-time education, either by regular attendance at school or otherwise (1944 Education Act, sect. 36). Compulsory school age is defined (1944 Education Act, sect. 35 (as amended)) as "any age between five years and sixteen years". While education in the publicly maintained system is free, it is possible for parents, if they choose, to pay for their children to attend schools outside the State system on a fee-paying basis.

Paragraph 2 (c)

35. The system of higher education (HE) in the United Kingdom is very decentralized and the Government sees its role as establishing the right framework within which institutions, students and employers can interact. The Government's policy on higher education is as set out in the White Paper (Cm 1541) and provided for in legislation by the Further and Higher Education Act 1992. The FHE Act 1992 introduces a new framework for the HE system by ending the binary line between universities, polytechnics and HE colleges. The new framework is intended to facilitate further expansion combined with greater efficiency. Public funding for higher education in the United Kingdom is at record levels. The Government is committed to giving HE a fair share of public spending while encouraging further broadening of the system's funding base. Statistical Bulletin 10/91 describes the trends in HE recruitment and completion rates over the last decade.

36. The great majority of full-time and sandwich first degree and comparable level students are assisted by mandatory grants and loans for maintenance, and have their course fees paid. Mandatory awards and loans are available to students eligible under national regulations. Loans provide the additional funding needed if continued growth in student numbers is not to be constrained by the availability of public funds. The mandatory grant will form a progressively smaller proportion of students' total available resources, as the grant rate is frozen and the uprating is applied to the loan element only. Extra allowances for such students as the disabled or lone parents continue to be updated annually. Grants for other courses and for students not personally eligible for mandatory support, can be given at the discretion of the local education authority. Access Funds are available from institutions to help students with financial difficulties. Sponsorship from employees and professional bodies is also available.

37. The Open University is a distance teaching university providing a wide range of undergraduate, postgraduate, diploma and short courses, mainly for mature students. Except for postgraduate entry, no formal academic qualifications are required. Tuition is by means of correspondence texts supplemented, as appropriate, by continuous assessment, radio and television broadcasts, video and audio cassettes, home experimental kits, residential schools and an extensive counselling and tutorial service which operates through a network of local study centres. The University's first degree, the Bachelor of Arts (Open) is a general degree awarded on a system of credits for each course successfully completed. The University also provides a consultancy service to Governments and institutions seeking to establish or develop major distance learning institution projects.

Paragraph 2 (e)

38. It is the duty of local education authorities to provide and maintain sufficient primary and secondary schools in their areas to afford all pupils education suitable to their different ages, abilities and aptitudes (1944 Education Act, sect. 8 (as amended)). Local education authorities receive support via central government, in the form of government grants and national non-domestic rates, as part of its support for expenditure by local authorities on all their services; in 1992/1993, this support is some 80 to 85 per cent of the overall level of local authority expenditure allowed for by the Government.

39. Teachers are employed by local education authorities (LEAs) or the governing bodies of voluntary aided or grant-maintained schools. Their pay, professional duties and working time are prescribed by Order, the provisions of which are based on recommendations by the independent School Teachers' Review Body (STRB), apointed under the School Teachers' Pay and Conditions Act 1991. In arriving at its recommendations, STRB is under a statutory duty to consider evidence submitted by the teachers' unions, the employers and the Government. Other conditions of service are negotiated directly between teachers and their employers.

D. Article 13, paragraphs 3 and 4

40. Parents are free, in accordance with the provisions of the 1944 Education Act, to have their children educated in independent schools in preference to schools maintained publicly, provided they are prepared and able to pay the fees at independent schools. The 1980 Education Act, section 17, enacted the Government's policy of inaugurating an assisted places scheme, which enables pupils from poorer families to attend selected independent schools with a high academic standard by providing assistance with the costs of tuition and some incidental expenses at these schools. Some 27,600 pupils in England and 660 in Wales are being helped by this scheme in the school year 1991/1992. There will be 35,000 assisted places available in England and Wales by 1995.

41. In accordance with article 13, paragraph 3, schools are provided for different religious faiths mainly in the form of voluntary aided and controlled schools. The majority of these schools are Church of England and Roman Catholic but there are a small number of Methodist and Jewish voluntary aided schools. Voluntary aided schools receive grants of up to 85 per cent towards capital and repair costs. Voluntary controlled schools operate in the same way as county schools and their costs are the responsibility of the local education authority. It is open for other religious faiths to establish voluntary aided schools in cooperation with the maintained system, but they must meet a number of qualifying criteria.

Paragraph 4

42. There have been no recent developments in respect of article 13, paragraph 4. Any individual has the right to found and manage an independent school. The law is that if five or more pupils of compulsory school age are being taught at a school on a full-time basis, it must register with the Registrar of Independent Schools - an official in the Department for Education - and must be subject to approval by Her Majesty's Inspectorate of Schools to ensure that it conforms to certain basic conditions (1944 Education Act, part III).

43. There are no statutory and no administrative provisions to prevent or interfere with the foundation of independent further and higher education institutions, as distinct from voluntary and direct grant institutions of further and higher education. In 1982 the scheme of "recognition as efficient" was phased out, since which time independent further and higher institutions have been self-regulating, with accreditation being undertaken by a number of voluntary organizations.

Article 14

44. In the United Kingdom, as already mentioned, the principle of compulsory education, free of charge for all, is adhered to. This has been so since 1944.

Article 15

A. Right to participate in cultural life

45. The current government administration has given the arts an independent voice in government. The creation of the Department of National Heritage (DNH) in 1992 emphasized the Government's support for the arts. The Department of National Heritage has its own Secretary of State and Parliamentary Under Secretary. The areas covered by the new department were formerly the responsibility of other departments: the arts, museums and libraries were dealt with by the Office of Arts and Libraries; heritage was dealt with by the Department of the Environment; film and export licensing of antiques were dealt with by the Department of Trade and Industry; tourism was dealt with by the Department of Employment; broadcasting, the press and the safety of sports grounds were dealt with by the Home Office; and sport was dealt with by the Department of Education and Science. These have all maintained the very high internationally-renowned standards under the new department.

46. The Arts Council of Great Britain is the main body responsible for the support and promotion of the living arts in Great Britain. Its aims as set out in its Royal Charter are:

(a) To develop and improve knowledge, understanding and practice of the arts;

(b) To increase the accessibility of the arts to the public throughout Great Britain;

(c) To advise and cooperate with government departments, local authorities and other bodies on any matters concerned whether directly or indirectly with the foregoing objectives.

47. The Arts Council has two sub-committees, the Scottish and the Welsh Arts Councils, which promote the arts in their territories. All three Councils are assisted in their work by panels and committees of professional experts in the various arts disciplines (e.g. music, drama, dance, literature, visual arts).

48. The Arts Council's grant for 1992-1993 is £221.2 million. The Arts Council and local authorities provide direct support for the arts in Great Britain. In England, they also provide indirect support through their contributions to Regional Arts Boards. Regional Arts Boards, which have charitable status and are companies limited by guarantee, are responsible for developing the arts in their regions within the strategic framework set by the Government and the Arts Council.

49. The Scottish and Welsh Arts Councils, in addition to their national roles, perform work similar to that of English Regional Arts Boards. The arts in Northern Ireland are supported by the Arts Council for Northern Ireland, which receives grants (£5.9 million in 1992-1993) from the Department of Education in Northern Ireland.

50. DNH sponsors 11 national museums and galleries in England: the British Museum, the Natural History Museum, the Imperial War Museum, the National Gallery, the National Maritime Museum, the National Museums and Galleries on Merseyside, the National Portrait Gallery, the Science Museum, the Tate Gallery, the Victoria and Albert Museum and the Wallace Collection. The aims of these institutions are set out in the legislation or other documents relevant to each of them, and can be summarized as: to care for, preserve, and add to their collections; to arrange exhibitions of material from their collections and promote research based on them; and to promote the public's enjoyment and understanding of matters relating to the collections. DNH seeks to pursue a number of objectives through the national museums and galleries and associated bodies it funds. These objectives may be summarized as:

(i) Increasing public access to collections;

(ii) Encouraging greater efficiency in the provision of services, in particular by:

Improving collections management and conservation;

Promoting enhanced educational facilities in museums and galleries, especially in support of the national curriculum;

Supporting the refurbishment of the national museum and gallery buildings.

51. A related objective is to increase the total funds available to these institutions through encouraging the development of partnership with the private sector.

52. The Museums and Galleries Commission (MGC) advises the Government on museum matters. Its central aim is to promote museum and heritage matters, and to maintain and raise museum standards. During 1991-1992 MGC underwent a review commissioned by DNH of its relationship with government and with museums and of its executive functions. Following this review and a subsequent consultation exercise, DNH confirmed the primacy of roles of the MGC as adviser to government and as a standard setting body, and has accepted that MGC should concentrate on those executive functions that relate directly to those roles.

53. The National Heritage Memorial Fund gave over £15 million in grants in 1991. It prevented the loss to the nation of important works of art, historic documents and artifacts and land and buildings, and made them available for the public to enjoy. The Government's indemnity scheme also enabled numerous exhibitions to be presented to the public.

54. The Government has continually reviewed the special tax and other arrangements for conserving objects and works of art in the national heritage. Rules for the acceptance of such objects in lieu of capital taxes have been extended to cover the interests of local museums and galleries outside London. The National Heritage Act also provides further powers to ensure that pictures and objects can be kept in the historic houses associated with them. In the

period 1987-1992 objects and land worth £31.8 million have been acquired in lieu of taxes, and £25 million spent to acquire £54.8 million worth of objects in a private treaty sale concessionary scheme.

55. Over the past 16 years there has been a substantial growth in business sponsorship of the arts. In 1976 it stood at £0.5 million per year, rising to £44.5 million per year in 1990-1991, to which can be added £12.5 million in corporate membership. The Government's Business Sponsorship Incentive Scheme (BIS), which was set up in October 1984, has played an important part in sustaining and accelerating this growth and has assisted wider access to the arts by the public. The scheme, which is administered on the Government's behalf by the Association for Business Sponsorship of the Arts (ABSA), is designed to attract new sponsors and to encourage existing sponsors to increase their spending on the arts by offering matching awards. The Scheme has brought in £32 million to the arts from business sponsors, which has been matched by £16.1 million in BSIS awards. It has attracted over 2,000 first-time sponsors and more than 3,000 awards have been made to arts organizations. The Scheme has a budget of £4.5 million in 1992-1993.

56. Public libraries are a major information resource, allowing everyone full access to books, periodicals and other materials. Their role is to support and serve the needs of their communities for information, individual education, culture and leisure. Public libraries play a major part in maintaining and improving literacy.

57. In the United Kingdom, the public library service is administered by local library authorities. Libraries provide books and non-book materials, for lending and reference to both adults and children, through service points ranging from the largest city centre libraries to small village part-time centres and mobile libraries. There are over 135 million books available in United Kingdom public libraries, through 4,063 central and branch libraries and 717 mobile libraries. In addition, there are 504 small branch libraries - open less than 10 hours per week - and 18,871 outlets in homes and hospitals.

58. The core of the public library service - the borrowing and consultation of books and other printed material - is free of charge, but public libraries may charge for other services.

59. The Government recognizes that the Irish language is perceived by many people in Northern Ireland as an important part of their cultural heritage. It therefore seeks to encourage interest in it and appreciation of the contribution it has made to the cultural heritage of the whole community and to respond positively where practicable to soundly-based requests for assistance for Irish language projects.

B. Protection of moral and material interest of authors

60. Public Lending Right (PLR) was created, and its principles established, by the Public Lending Right Act, 1979. The rules for the administration of the scheme were set out in the Public Lending Right Scheme in 1982. Under the Scheme, writers, illustrators, editors, compilers, translators and photographers who have contributed to a published book may apply for PLR registration. Those eligible receive remuneration from a central fund

provided by the Government, in respect of loans of their books made by public libraries. The first such payment was made in 1984 and the number receiving payment continues to rise steadily each year. In 1992, almost 17,000 writers over the whole range of adults and children's fiction and non-fiction qualified for some form of payment.

61. The Scheme's principal eligibility requirement has been that the contributors must be named on the book's title page. Changes to the Scheme, introduced in December 1991, widened eligibility and allowed greater recognition of the contribution of those who might no appear in a book's title page. The European Parliament is at present considering a draft directive which will require some recognition in each Member State of the right of authors to remuneration for the public lending of their books.

C. Scientific progress and its applications

62. In the United Kingdom the enjoyment of the benefits of scientific progress and its applications has always been regarded as a basic right for all. No legislation or other government measures have been taken, or are considered necessary, to guarantee that right.

63. Science is promoted in schools, in higher education institutions, in Research Council institutes, and in government and private sector laboratories.

Promotion of science in schools, colleges, etc.

64. The National Curriculum for schools has established science as a core subject for study. By the year 2000 all pupils reaching the age of 16 will have studied science at school from the age of 5. Government policy is that the science curriculum should be suitable both to equip those who will make a career in science and to provide a sound scientific background for those who do not.

65. In higher education government policy is that places should be available for all who have the necessary intellectual competence, motivation and maturity to benefit from it and who wish to do so. Within this context the Government sets the framework and broad strategy for higher education. This provides for student and employer demand to help shape the pattern and nature of teaching provision in the sciences and other subject areas and to determine the balance between them, and for academic priorities to determine the overall direction of research.

66. The balance of public funding for higher education has been changed from block grant to tuition fees to encourage recruitment to the more expensive laboratory and workshop based courses. There have also been specific initiatives to promote engineering and technology. A policy of selective research funding directs support to institutions and departments with a large volume of high quality basic and strategic research.

67. Government policies for schools and further education, together with those for higher education, and the general aim of achieving equality of status and standards between academic and vocational qualifications, serve to

enable and encourage more young people to pursue the study of science subjects throughout their period in full-time education and beyond.

Promotion of scientific research

68. Basic and strategic scientific research is carried out largely under the auspices of the nation's five Research Councils and in universities.

69. The five Research Councils are:

Agricultural and Food Research Council;

Economic and Social Research Council;

Medical Research Council;

Natural Environment Research Council;

Science and Engineering Research Council.

70. They support research in their own institutes and in universities through project grants. They are funded by the Government through its Science Budget which it has increased by 22 per cent in real terms (i.e. after taking account of inflation) since 1982. The Science Budget in the financial year 1992-1993 totals £1.002 million.

71. The Royal Society and the Royal Academy of Engineering also receive grant-in-aid from the Science Budget.

72. The Government funds universities through block grants for teaching and research, allocated by the Funding Councils. Its policy for higher education is set out in its White Paper "Higher Education - A New Framework" (Cm 1541, published May 1991). A total of £673 million of public funds was allocated by the Universities Funding Council for scientific research in the academic year 1992/1993.

73. Strategic and applied scientific research is also supported in government research establishments and agencies sponsored by departments using their own funds (i.e. outside the Science Budget referred to above). Total expenditure on civil research and development in such establishments in 1992-1993 is expected to be about £1 billion.

Protection of the environment

74. The Government recognizes the need to improve environmental standards. In September 1990 it published its White Paper "This Common Inheritance - Britain's Environmental Strategy" (Cm 1200). A year later it published a progress report on the year's achievements: "This Common Inheritance - The First Year's Report" (Cm 1655). The environment is now firmly part of the Government's policy-making progress.

Public understanding of science

75. The Government believes that the wide dissemination of knowledge and understanding of scientific and technological developments is important in its own right and as an integral part of the scientific process.

76. The establishment of science as a core subject in the National Curriculum provides a foundation in the schools for a scientifically literate society.

77. The scientific community itself has a key role to play in improving public awareness of science and technology, its achievements and its limits. The Government supports the work of the Research Councils, the Royal Society and others in achieving this; and would draw attention in particular to the role of the Committee on the Public Understanding of Science, which it supports through a grant to the Royal Society, as providing a focal point for such activity.

Intellectual property rights

78. All research organizations which depend for their support on public funds are encouraged to realize the commercial benefits of their research. The protection and management of intellectual property is an important part of this process. The Office of Science and Technology published a report, "Intellectual Property in the Public Sector Research Base", in September 1992 to try to raise awareness of the measures which research organizations might take.

79. Most institutes of higher education and the major research laboratories in the United Kingdom have set up industrial liaison units to handle intellectual property negotiations for research contracts and to take measures to protect intellectual property with possible commercial value. The Government has encouraged local initiative by allowing universities to own the intellectual property arising from standard Research Council grants, subject to some safeguards. Government research agencies are also given strong encouragement to exploit the commercial potential of their work whenever possible.

80. The Department of Trade and Industry has provided financial assistance to universities to set up and enhance their industrial liaison units and to carry out technology audits of research that might have potential to be developed commercially.

Technology transfer

81. The Government recognizes the importance of technology transfer and therefore fosters technology transfer activities by:

(i) Financially supporting the development of regional technology centres which assist United Kingdom businesses to use and exploit modern technology;

(ii) Participating in the European Community's Strategic Programme on Innovation and Technology Transfer (SPRINT), which supports the development of technology transfer networks within Europe;

(iii) Helping companies through a wide range of generic technology transfer programmes (for instance "Materials matter", "Managing into the 1990s" and "Biotechnology means business") which help firms understand and exploit modern technology and its management;

(iv) Providing specific help through its research agencies, which help firms of all sizes to address technical problems and provide scientific and technical services on a fee paying basis;

(v) Assisting groups of United Kingdom experts to visit overseas countries so that they can learn about advanced technologies; and

(vi) Providing information via the Overseas Technical Information Service about technical advances in other countries.

Development of international collaboration

82. The Government firmly believes in the importance of a free interchange of scientific ideas and information, subject only to the requirements of national security and, where appropriate, to commercial confidentiality.

83. Scientists and scientific organizations in the United Kingdom are engaged in many forms of international collaboration and interchange. Central to such activity is the wide range of reciprocal contacts that research teams and individual scientists make with their colleagues in other countries. Such contacts are facilitated by a number of schemes including, for example, travel grants and overseas field work grants from the Royal Society and the Royal Academy of Engineering.

84. The general approach of the United Kingdom towards such international collaboration in the field of science and technology is to support research which meets one or more of the following criteria:

Is not already under way domestically or through other international channels; and where the benefit from collaboration is greater than the unavoidable extra costs involved;

Is complimentary to existing national and international activities;

Improves the quality of science and/or which offers scope for technology transfer;

Is aimed at improving industrial competitiveness or tackling transnational issues, for example, health, environmental protection or economic problems;

Involves large-scale investment with sharing of costs and risks.

85. The United Kingdom plays an active role in the scientific activities of international forums such as the Conference on Security and Co-operation in Europe (CSCE) and the OECD Committee for Scientific and Technological Policy (CSTP).

86. Within Europe, scientific programmes operated under the auspices of the European Community (EC) represent an increasingly significant proportion of the United Kingdom collaborative scientific effort. United Kingdom science is strongly represented in the specific programmes of the EC Research and Development Framework Programme.

87. Other international activities include those based on the usage of large facilities (for example, the European Organisation for Nuclear Research (CERN), the European Synchrotron Radiation Facility (ESRF), the Institute Laue-Langevin (ILL)); other pan-European organizations (e.g. the European Space Agency (ESA), the European Molecular Biology Laboratory (EMBL), the European Science Foundation (ESF) and the Committee on Science and Technology (COST)); and a wide range of smaller-scale bilateral and multilateral programmes directed towards research, training and information exchange.

88. Outside the specifically European context, United Kingdom scientific collaboration may be at the global level (for example, the World Climate Research Programme (WCRP) and the International Geosphere-Biosphere Programme (IGBP)) or involve partners from several continents (for example, the Human Frontier Science Programme (HFSP) and international telescope projects)).

Part Two

THE DEPENDENT TERRITORIES

Introduction

89. This report is submitted by the United Kingdom as its second periodic report on articles 13 to 15 of the International Covenant on Economic, Social and Cultural Rights. The present report relates to the United Kingdom's Dependent Territories overseas to which the Covenant also applies, that is to say, Bermuda, the British Virgin Islands, the Cayman Islands, the Falkland Islands, Gibraltar, Hong Kong, Montserrat, Pitcairn, St. Helena and the Turks and Caicos Islands.

90. The detailed position in relation to each of the above-named Territories is set out separately in the annexes to this report. The position described is as ascertained when the supporting material was assembled in the respective Territories. In most cases this process was completed in 1992 but in some contexts the position has had to be described as it stood in late 1991 or, in a few cases, earlier. The United Kingdom regrets the delay that there has had to be in the assembling and compilation of the material and the submission of this report.

91. Each of the following sections of this report updates or supplements, as appropriate, the account given in the corresponding parts of the first periodic report of the United Kingdom in respect of those Territories (E/1982/3/Add.16, Sect. V, pp. 30-71), to which the Committee is accordingly referred. The relevant passages in that first report are respectively, the following:

	Pages
Bermuda	33-38
British Virgin Islands	38-40
Cayman Islands	40-42
Falkland Islands	42-48
Gibraltar	49
Hong Kong	67-71
Montserrat	50-55
Pitcairn	67
St. Helena	55-56
Turks and Caicos Islands	61-66

In relation to all of the Territories the Committee is particularly referred to paragraphs 1-7 of section V of that first report. Those paragraphs, which made certain general observations concerning the legal systems and other relevant circumstances of the various Territories and concerning the form and content of the corresponding parts of the report, are also applicable in relation to the present report.

92. The Committee is also specifically referred to the second periodic report of the United Kingdom, on articles 10 to 12 of the Covenant in respect of the above-named Territories, which is being submitted to the Committee at the same

time as the present report. The information given for each Territory in the present report should be read in conjunction with, and in the light of, the information given for that Territory in the report on articles 10 to 12 (E/1986/4/23).

93. The Committee is further specifically referred to the latest reports submitted in respect of the above-named Territories under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/58/Add.6, part III) and under Article 73 (e) of the Charter of the United Nations.

94. Because of the disproportionate bulk of the large number of laws and other instruments and reference documents that are mentioned at various points in the separate sections of this report, it is not practicable for copies of all of them to be enclosed with the report. A set of copies of all the instruments or documents that are cited therein is being assembled and will be forwarded to the secretariat so that they may be consulted as required.

I. STATES OF GUERNSEY

A. Guernsey and Alderney

Article 13

95. The Education (Amendment)(Guernsey) Law, 1987, a copy of which is annexed hereto, makes provision for the education of children with special needs. The States of Guernsey continue to recognize the rights set out in paragraph 1.

96. The States Education Council continues to improve facilities for students at schools and colleges and conditions for staff and to provide financial assistance to voluntary bodies engaged in youth work.

97. Salaries of teachers are now determined by the States Civil Service Board through negotiation between the Board and the teachers in accordance with Resolution No. IX of 25 May 1988. The conditions of service of teachers in Guernsey are broadly similar to those which operated in England and Wales under the Burnham agreement.

98. The Teachers' Superannuation (Notional Salaries) (Guernsey) Regulations, 1982 and the Teachers' Superannuation (Amendment) (Guernsey) Regulations, 1991 further amend the Regulations of 1978 so as to improve and bring teachers' pensions into line with those in the United Kingdom. In particular, the last-mentioned statutory instrument facilitates the transfer of pension rights to and from other pension schemes (see copies annexed). The States Education Council is presently engaged in the preparation of new Regulations which will consolidate, with enhanced benefits to teachers, the above Regulations.

Article 14

99. Primary education is compulsory and free of charge (Education (Guernsey) Law 1970, parts 4 (1) (a) and 48).

Article 15

100. The States of Guernsey continue to provide a full programme of adult education courses, concerts and lectures in liaison with various interested bodies and to consolidate and develop the library services both in schools and for the benefit of the general public.

101. The Ancient Monuments Committee continues to hold special exhibitions in the museums and generally to develop, maintain and promote interest in the ancient monuments of the islands and their contents.

102. The States of Guernsey continue to send one of their elected members to the Commonwealth Parliamentary Conferences.

103. The Overseas Aid Committee continues to make a financial contribution to aid overseas, including the sending of volunteers to work overseas.

B. Sark

104. There is nothing to be added to the report submitted in 1982.

II. STATES OF JERSEY*

Article 13

105. The right to education is governed by the following legislation:

(a) Loi (1912) sur l'Instruction primaire;

(b) Loi (1965) (Amendement) sur l'Instruction primaire;

(c) Loi (1972) (Amendement) sur l'Instruction primaire;

(d) Loi (1979) (Amendement) sur l'Instruction primaire;

(e) Loi (1920) sur l'Instruction publique;

(f) Loi (1962) (Amendement) sur l'Instruction publique

(g) Loi (1965) (Amendement) sur l'Instruction publique;

(h) Règlement (1922) sur l'Instruction technique;

(i) Act [of the States] dated 31 March 1949, approving rules for the payment of grants for further education;

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* A list of documentation provided to supplement the present report is available for consultation in the archives of the secretariat.

(j) Education. (Grants to Private Schools) (Amendment) (Jersey) Regulations, 1977;

(k) Colleges (Sixth Forms) (Jersey) Regulations, 1979;

(l) Colleges (Sixth Forms) (Amendment) (Jersey) Regulations, 1980;

(m) Règlements (1946) sur l'Enseignement de la langue française dans les écoles publiques élémentaires;

(n) Règlements (1978) sur l'Enseignement de la langue française dans les écoles publiques élémentaires;

(o) Règlements (1979) sur l'Enseignement de la langue française dans les écoles publiques élémentaires.

Measures taken to promote the full realization of the rights of everyone to education

106. The educational system is designed to encourage the development of each individual intellectually, aesthetically, morally and spiritually. Each pupil is given an understanding of the society in which he lives, its historical background, its rights and its privileges in order that he may compare this with other social structures. "Human rights teaching" as reflected in the Charter of the United Nations would, in one way or another, form part of a pupil's curriculum. Links are developed and encouraged with neighbouring nations, particularly France and the United Kingdom; people of all other nations living or working in the community are treated as equals. Pupils are made aware of the functions and activities of the United Nations as a fundamental part of the curriculum.

Right to primary education

107. The education of all children between the ages of 5 and 16 years is mandatory. Primary schools have been established within reasonable distance of all parts of the population. Special provision is made in the case of children requiring special educational needs, including those for whom English is a foreign language. Primary education covers 100 per cent of children of 5 to 11 years of age. Sixty-six per cent of the primary population choose free education; the remaining 34 per cent choose fee-paying schools, almost all of which receive State aid. It is considered that the right of free education is fully realized.

Right to secondary education

108. Secondary education is compulsory up to the age of 16 years, and freely available after that age, subject to academic ability. Technical education covers approximately 10 per cent of the curriculum. It is considered that most education is vocational in some respect. Free secondary education is available at all academic levels (11-18 years); in addition, there are a number of private schools which are subsidized by the State. It is considered that the right to secondary education is fully realized.

Right to higher education

109. Students who meet higher education entrance requirements through United Kingdom examinations taken locally are able to apply for, and obtain, places in higher education. Owing to the small size of the Island, there is no higher education in Jersey (except through the Open University). Students generally receive university education in the United Kingdom. Successful applicants for higher education may apply for State aid, on the basis of parental income.

Right to fundamental education

110. Mandatory education has been in operation long enough for all of the population to have been educated to some extent, but for those who require it, confidential individual tuition is freely available for adult illiterates. Adult illiteracy is a very minor problem in Jersey and is dealt with on an individual basis. Similarly drop out rates are negligible at all levels of education. Detailed statistics are not available.

Development of a system of schools

111. As of 1992, education expenditure amounts to 15 per cent of total States expenditures. The States of Jersey operate a scheme of education, open to all, as follows:

(a) Primary education (5-11 years): 27 schools, population 4,050;

(b) Secondary education four schools 11-16 years and two colleges 11-18, population 2,900;

(c) High School (14-18 years): one school, population 455;

(d) College of further education (16+ years): full and part-time courses; full-time equivalent, 840.

In a time of rising birth rates, a new primary school is planned together with the enlargement of other primary and secondary schools. See legislation listed in paragraph 105 above; also Education Committee report of 1991, page 149.

112. There is a clear policy of promoting equality of opportunity at all levels and amongst all groups:

(a) The ratio is in proportion to the numbers of each sex in the population;

(b) All groups enjoy the right to literacy and education described above;

(c) Continuous monitoring of materials and teaching methods;

(d) Provision for families where the mother tongue is not English has been extended over the years as the need has grown.

Conditions of teaching staff

113. Teachers' salaries are negotiated locally with increases generally in line with other civil servants. Teachers brought to the Island on contract are provided with rent subsidies. It is considered that the requirements of this section are adequately complied with.

Independent schools

114. Independent schools may operate within the Island provided that the Education Committee is satisfied that they are adequately staffed and that pupils receive a satisfactory education. There are currently seven schools with approximately 2,200 pupils not established and administered by the Government. No difficulties have been encountered by those wishing to establish or gain access to these schools other than the limitations on numbers that can be accommodated.

115. During the period there have been no changes negatively affecting the right enshrined in article 13.

116. Rights have been achieved without international assistance.

Article 14

117. The States of Jersey provide free education from the ages of 5 to 18.

Article 15

118. There is nothing to add to the report submitted in 1982.

III. ISLE OF MAN

119. The Isle of Man has a population of 69,788 and an area of 328 sq. km.

120. The Isle of Man Government accepts the general principle embodied in articles 13 to 15 of the Covenant and has sought their implementation:

(i) By legislation - the main bulk of this legislation is contained in the 1949 Education Act of Tynwald which is largely a parallel of the 1944 Education Act of the United Kingdom Parliament;

(ii) By policy decision of the Department of Education, which is a Board of Tynwald with full powers to implement policy in accordance with the provision of the 1949 Act.

Article 13.1

The right to education

121. The 1949 Education Act in the Isle of Man, section 33, specifies that there shall be three stages of public education known as primary education, secondary education and further education and the duty imposed on the

Department of Education is to contribute, by means of these three stages, towards the spiritual, cultural, mental and physical development of the community.

122. Section 34 of the 1949 Act imposes a duty on the Isle of Man Department of Education to provide, free of charge, education suited to the age, ability and aptitude of all children on the Island who may be presented for education. Section 66 of the same Act imposes a duty on parents to cause their children to receive efficient, suitable, full-time education by regular attendance at school or otherwise. Education is compulsory on the Isle of Man for all children in the 5 to 16 years age range. In this respect, section 67 of the same Act affords an opportunity to parents to name a preference as to the school they wish their children to attend.

123. On the Island, therefore, parents are free to send their children to any school within the appropriate age category, except for the few cases where schools are deemed to be full and, secondly, provided unreasonable public expenditure is avoided. The latter general principle to be observed by the Department is set out in section 107.

124. For each of the three stages of education a system of school management and government has been established whereby members of the Department of Education are allocated managerial and governmental responsibilities for schools and the college of further education. Copies of the Instrument and Articles of Government for county primary schools and county secondary schools and for the college of further education are available for consultation in the archives of the secretariat.

Rights concerning children of low income groups, children of immigrants and all migrant workers

125. The 1949 legislation imposes on the Department of Education a duty to provide efficient education for all children without the power to discriminate. To ensure that this is a practical proposition for all, the Department provides additional facilities for:

(a) Young children educationally and socially at risk, and

(b) Children of school age who have an insufficient command of the English language to enable them to benefit from full-time education.

126. A comprehensive school meals service provides a cooked midday meal for all children who, for whatever reason, are unable to return home during the midday break. The meal is provided free of charge to children of parents who cannot afford to pay and in this respect an assessment of income forms the criteria. A copy of the relevant regulations providing free school meals is available for consultation in the archives of the secretariat.

Children in rural areas

127. Section 69 of the Education Act no longer imposes a duty on the Department to provide transport for all children. Nevertheless, free

transport is provided by the Department for all pupils attending the Department's secondary schools. Similar arrangements obtain for pupils with special education needs.

Provision for physically or mentally handicapped children

128. Section 34 (2) c of the Education Act, 1949, imposes a duty on the Department of Education to have regard to the need for securing that provision is made for pupils who suffer from any disability of mind or body by providing, either in special schools or otherwise, special educational treatment, that is to say, education by special methods appropriate for persons suffering from this disability. There is a further duty on the Department, under section 34 (2) d, to have regard to the expediency of securing the provision of boarding accommodation, either in boarding schools or otherwise, for pupils for whom education as boarders is considered by their parents and by the Department to be desirable.

129. The Department runs one special school for the mentally handicapped on the Island. In appropriate cases, children are also sent to residential schools in England. The policy of the Department is, however, that children with special educational needs are integrated into ordinary schools. The Department has also developed a system whereby mentally and physically handicapped children are educated in units attached to ordinary schools. All of the Department's secondary schools have such units and there are a further six attached to selected primary schools. A special unit has also been established at the Isle of Man College in recognition of the need to integrate young people with special educational needs into the community at large. The Department also has a special unit attached to a primary school for deaf and partially hearing children. Children of secondary school age who suffer from this disability are catered for within the ordinary school and a peripatetic teacher is employed to assist schools in meeting their needs. A peripatetic teacher of the blind is also employed to help children who are visually handicapped but who are educated, none the less, in ordinary schools. In the few cases where education cannot be supplied effectively on the Island, owing to the degree of the handicap of a child, the Department secures placements in residential schools in England. All education for children with special needs is provided free of charge to the parent.

Provision for children at risk owing to the neglect of parents, or otherwise

130. The Children and Young Persons Act 1966 to 1974 no longer imposes on the Department of Education a duty to care for children who are without parents or whose parents are, for any reason, unable to care for them themselves. This duty was transferred to the Department of Health and Social Security on 1 April 1990 by the Transfer of Functions (Child Care) Order 1990. The only functions retained under this heading concern the employment of young persons, school attendance and child abuse. Whilst it is the primary responsibility of the Social Services Division of the Department of Health and Social Security, in collaboration with the police, to investigate and deal with individual cases of child abuse, the Department of Education has formulated its own policy in this field and has drawn up a set of procedures to be followed by the staff in the schools.

Nursery education

131. In fulfilling its duty under section 34 of the 1949 Education Act to provide schools sufficient in number, character and equipment to meet the needs of the three stages of the education system, S.2(b) of that section requires the Department in particular to have regard to the need for securing that provision is made for pupils who have not attained the age of five years by the provision of nursery classes in schools. Although there is no provision to give all children between the ages of two and five years some form of nursery education, there is some provision for children with special educational needs to attend nursery schools before they attain compulsory school age. Furthermore, all children are allowed to attend school from the start of the academic year in which they attain their fifth birthday and accordingly there will be a large number of children in schools on the Island who have not attained compulsory school age.

Further education

132. Section 71 of the 1949 Education Act imposes a general duty on the Department of Education with respect to further education. Specifically it shall be the duty of the Department to secure the provision of adequate facilities for further education in the form of:

(a) Full and part-time education for persons over compulsory school age, and

(b) Leisure time occupation of such organized, cultural, training and recreative activities as are suited to their requirements for any persons over compulsory school age who are able and willing to profit by the facilities provided for that purpose.

133. In accordance with this, the Department of Education provides access to further education in the following manner:

(a) Access to institutions of further education and higher education on a full-time basis as calculated on merit and tested suitability to participate without discrimination as to race, sex or creed;

(b) Day release courses provided for certain categories of young people in skilled trades or crafts;

(c) Non-vocational adult education classes are provided for a whole range of subjects in accordance with the demand. For this the students are charged a fee as a contribution to the cost of the course. Whether in arts and crafts or in civil education these classes assist personal development and attempt to aid people to participate more effectively in a free society;

(d) Liverpool University provides an extra-mural service for the Isle of Man. Participating students make a contribution towards the cost;

(e) The Open University provides access to higher education, on a part-time basis, to the local community. The Department supports this initiative by providing teaching facilities at the Isle of Man College for the

courses offered by the University at undergraduate and post-graduate levels. Students also have access to the College's library. The inclusion of the Isle of Man into the Open University's sphere of operation in the north-west of England compensates, to some extent, for the fact that the Island has no University of its own.

134. As with all other branches of education in the Isle of Man there is no aspect of further education which is influenced by circumstances of race or other forms of prejudice. Where further education courses cannot be provided on the Island, the Department of Education will pay fees and subsistence grants to students to enable them to attend such places elsewhere in the British Isles. There are no institutions of higher education on the Island and accordingly Island higher education students are all supported in this way. The level of subsistence given to students is similar to the Education (Mandatory Awards) Regulations of the United Kingdom Government. A copy of the Manx regulations is available for consultation in the archives of the secretariat.

135. The Island has a scheme for adult literacy and numeracy.

Development of a system of schools

Article 13.2(e)

136. Conditions of service exist which have been agreed between the Board of Education and the Teachers Unions and are given to each teacher on their appointment.

137. The Department of Education has a policy concerning pupil teacher ratio with a result that the average pupil teacher ratio in secondary schools is 1:13 and in primary schools is 1:19. There is a special arrangement for the more generous staffing of small primary schools or of some primary schools in areas of special difficulty or for special schools.

Article 13.3 and 13.4

Freedom of choice of schools for parents

138. Parents are free in accordance with the provisions of the 1949 Education Act to have their children educated in a school of their choice. They are also free to have their children attend independent schools in preference to schools maintained and provided by the Department of Education. In the latter case they will be required to pay a fee to those independent schools.

139. There is no restriction in the Isle of Man on the right of individuals or associations to establish independent schools.

140. Section 35.3 of the 1949 Education Act imposes a duty on the Department of Education to support and maintain the continuance of voluntary schools which were in existence immediately before the 1949 Education Act came into effect and in this respect there exist two voluntary aided primary schools, one of which services the special needs of the Roman Catholic community and one being a Church of England school.

Article 14

141. Primary education is compulsory and free of charge.

Article 15

142. There are many agencies in the Isle of Man which encourage individuals to take part in cultural life. The Isle of Man Arts Council provides grants for individuals and associations in this respect so that they may pursue cultural and artistic interests and may enjoy music, literature, art and drama of high quality. Similarly, the Isle of Man Sports Council provides facilities for people to take part in physical activity on all levels.

143. The responsibilities of the Department of Education laid down by the Education Act 1949 S.71 contributes substantially in this respect in that the right of everyone to take part in cultural life in spiritual, intellectual and physical terms is catered for.

144. In this respect also, the Department of Education under the provision of the Education (Young People's Welfare) Act 1944 of Tynwald, has a specific responsibility for the welfare of young people in general terms which is additional to the responsibility laid upon it by the Education Act. Specifically the 1944 Act imposes a duty on the Department of Education to consider the welfare needs of the Island and to take such steps as may seem to it desirable for the progressive development of the welfare of people generally on the Island. In this connection the Department must cooperate with voluntary organizations in the matter of organization and in the matter of payment of grants, including grants for the purchase of land. The Act gives the Department power to supplement and reinforce the provision which is made available under the 1949 Education Act with particular regard to the following:

(a) Holiday or school camps;

(b) Centres and equipment for physical training, playing fields (other than the ordinary playgrounds of public elementary schools not provided by the authority), school baths, school swimming baths;

(c) Other facilities for social and physical training in the day or evening;

(d) Libraries for the use of children, young persons and adults, and the authority shall have power to levy a rate not exceeding one penny in the pound, for the purposes of providing and maintaining such libraries, in the town, a parish or parishes in which such libraries are established.

145. The following documents are available for consultation in the archives of the secretariat:

Regulations regarding Free School Meals;

Manx Regulations concerning Awards to Students;

List of school buildings;

Instrument and Rules of Management for County Primary Schools;

Instrument and Articles of Government for County Secondary Schools;

The Education (Young People's Welfare) Act 1944 of Tynwald;

The Education Act 1949 of Tynwald;

The Education (Compulsory School Age) Act 1971;

The Education Act 1986;

Department of Education Policy Statement.

IV. BERMUDA

General

146. Bermuda, with a population of 58,080 (1987 estimate) and an area of approximately 53.3 sq. km is situated in the Atlantic Ocean some 650 miles due east of Charleston, South Carolina, United States of America, and about 750 miles from New York. It is the oldest colony in the British Commonwealth. The economy of Bermuda is based on tourism and international business. There is no problem of unemployment.

Article 13. Right to education

147. The document "Mission - Philosophy - Goals", first published by Bermuda's Ministry of Education in 1987, sets out goals and objectives which are fully consistent with the aims of paragraph 1 of this article. The document states at the outset that:

> "The mission of Government schools is the provision of an environment in which each student may:
>
> - develop academic, practical and physical skills
> - practice critical and creative thinking
> - exemplify aesthetic, social, moral and spiritual values which characterize a secure, self-confident individual who is capable of
>   - constructive participation in the community
>   - effective functioning in an age of change
>   - life-long, self-directed learning."

148. Government grants for primary education began in 1816. The educational system of today derives, however, from the Schools Act 1879 and is based on the traditional British pattern.

149. The Education Act 1949 established the right of all children within what was then the compulsory school age (7 to 13) to receive free primary education. By 1969, the compulsory school age had been expanded to 5 to 16 and all children within that age are entitled to free primary and secondary education.

150. In 1985 the Education Act was amended to entitle children to remain in secondary school up to the age of 19 years in order to complete the secondary programme.

151. The government system comprises 18 primary schools, access to which is determined mainly on the basis of proximity of residence to a school. At the primary level, the teacher/pupil ratio is 1:25.

152. The system at secondary level consists of eight schools, is selective and is divided between academic and general schools. Principals of the secondary schools select pupils on the basis of performance in an examination taken at the end of the primary school stage and of parental preference. Technical and prevocational education is provided in the general secondary schools. At the secondary level, the teacher/pupil ratio is 1:15.

153. Provision is also made for the education of children with special needs in six special schools, which have been in operation for more than 20 years, and in special programme classes, which have operated for more than 10 years, in regular primary and secondary schools. Special education provides a continuum of services appropriate to the range of special needs of the students concerned.

154. Free education is provided in 11 pre-schools for four-year-old children.

155. In order to ensure adequate academic standards, the Government administers a standardized test to primary school pupils at the ages of 8 and 10. The test is also administered at the secondary level, to students at the ages of 12 and 15. This test - the California Achievement Test - enables the Government to compare the performance of Bermudian students with that of their peers in the United States.

156. Curriculum guides at all levels have been in place for several years. At the pre-schools, the curriculum objectives are related to social, cognitive and motor development, as well as to language, mathematics, social studies and science. At the primary level there is a national curriculum for language, mathematics, science, social studies, health and family life education and physical education. At the secondary level, a national curriculum has been in the course of development since 1974 with the introduction of the Bermuda Secondary School Certificate programme. Among the subjects required for certification are English, mathematics, science, history, geography and civics.

157. The Government has plans to restructure the educational system in order to remove selectivity from the secondary level and to provide equal access to the curriculum for all students. The revised system will have three levels - primary, middle and senior secondary. There are also plans to ensure an adequate number of places in pre-schools to accommodate all four-year-olds.

158. The Bermuda College, which was incorporated by the Bermuda College Act 1974, offers opportunities for higher education in liberal arts, business studies, hotel administration and technology. The College, a publicly funded institution, provides a two-year university transfer programme which enables qualified students to enter the third year of a four-year institution in North America. The two-year diploma has been accepted as the equivalent of "A" levels in the United Kingdom and enables students to enter the first year of selected universities there. The College operates a Faculty of Adult and Continuing Education which enables persons already in the workforce to upgrade their skills.

159. The Adult Education School, a private institution which receives a government grant through the Bermuda College, provides a means by which those who have not gained secondary school certification may do so through the General Education Development (GED) programme developed in the United States.

160. The Government operates an extensive financial aid scheme to assist students seeking higher education in institutions outside Bermuda. A satisfactory academic performance and demonstration of financial need are two of the principal criteria for the receipt of such aid. In addition, there are Bermuda Government Scholarships based on academic merit and commitment to the teaching profession.

161. All teachers in the government schools are eligible for membership in the Amalgamated Bermuda Union of Teachers, which negotiates salaries and conditions of service. All principals in government schools are eligible for membership in the Association of School Principals, which similarly represents their interests. Programmes of professional development, salaries and conditions of service for teachers and principals have been continually improved. Negotiations on these terms of employment take place every two years and their outcome is confirmed in published agreements with the Government.

162. Although the Education Act 1954 requires religious instruction and religious observance in government schools, provision is made for the exemption of a pupil from these activities if they are in conflict with the religious convictions of his parents. Two of the private schools are denominational and provides an opportunity for parents to have their children educated in accordance with their religious beliefs.

163. There are four private schools for children of all ages and two private schools which offer early primary education. These institutions receive no government funding. The Government has the authority to determine the examinations to be taken in such schools, as a means of ensuring appropriate academic standards there.

Article 14

164. Compulsory education, free of charge for all, has existed in Bermuda for many years (see para. 149 above).

Article 15. Right to take part in cultural life and to enjoy the benefits of scientific progress and the protection of the interests of authors

165. The Government recognizes the right of everyone in Bermuda to take part in cultural life and to enjoy the benefits of scientific progress and its applications. Legal provisions exist - for example, in applicable patent or copyright legislation - for the protection of the interests of authors of scientific, literary or artistic products.

166. The Ministry of Community and Cultural Affairs has as part of its objectives the fostering of respect for the cultural heritage of Bermuda and the documenting and preservation of all aspects of that heritage. A consultant for culture was assigned to the Minister in 1984 to develop and promote programmes dealing with the cultural life of Bermuda. A detailed report on culture and its significance to Bermuda was submitted to the Minister in 1987.

167. The consultant has been actively involved in various areas. These include the development of a cultural component for the preschool curriculum, presentations on local culture for newcomers to the Bermuda workplace, dramatic performances of traditions and folklore and the production of the Premier's concert, which serves as a showcase for the musical artistry of students aged from 10 to 20. Another activity is a series, which started in 1987, of brief television programmes highlighting the contributions made by local personalities to the community. Presented weekly, the series (entitled "Bermudian profiles") has received high praise for its information, historical and cultural value.

168. Grants are made available, through the Ministry, to organizations such as the Bermuda National Trust and the Bermuda Arts Council. Among the many conservational activities of the Trust are its three museums. Two of these, Verdmont in Smith's Parish and the Tucker House in St. George, contain outstanding collections of Bermuda antique furniture. The third is the Confederate Museum in St. George, which contains displays about the days of blockade-running during the American Civil War. The Trust also owns nature reserves and bird sanctuaries, and works together with other bodies concerned with conservation and the natural environment.

169. The aims of the Bermuda Arts Council are to develop and improve the knowledge, understanding and practice of the arts; to increase the accessibility of the arts, whether by means of festivals of the arts or otherwise, to the public, throughout Bermuda; and to advise and cooperate with government departments, art groups or societies in Bermuda and with other bodies on any matter concerned, whether directly or indirectly, with the areas mentioned. The Council's activities are diverse and include the provision of scholarships, loans and grants for students in the visual, fine and performing arts; sponsorship of the National Youth Theatre and the National Youth

Orchestra; sponsorship of local groups participating in overseas festivals (for example, Carifesta, a Caribbean arts gathering); educational drama for primary and secondary schools; and support for the Menuhim Foundation through which school children receive instruction in stringed instruments. Among other activities are the provision of awards to artist who have contributed to the arts for a long period and of sponsorship for performances and exhibitions by Bermudians who are involved professionally in the arts.

170. The Bermuda Library, which was founded in 1839, has grown from an original collection of 276 volumes to more than 150,000 books today. The Library also subscribes to more than 100 periodicals and newspapers. Among its holdings is a Bermudiana collection which contains an unrivalled accumulation of material about Bermuda, including Bermudian newspapers on microfilm. A comprehensive collection of Bermuda's colonial records is preserved in the Bermuda Archives and is available for public research.

171. The Bermuda Maritime Museum is housed in the keepyard of the historic former Royal Naval Dockyard; and the ammunition rooms, ramparts, gun emplacements, drawbridge, moat, keep parade ground and subterranean tunnels are themselves museum displays. The Queen Elizabeth Exhibition Hall, the Treasure House and other magazine rooms house displays of Bermuda's maritime history, including artefacts and treasure from shipwrecks. The Boat Loft contains period marine craft. The derelict Commission's House, built between 1823 and 1827 and the first domestic building in the world to have a cast iron frame, is currently undergoing restorations at an estimated cost of $2.5 million. The Museum, which has an excellent marine archaeology shipwreck programme, student programmes and publishing capabilities is run, under the auspices of a Board, by a Bermudian curator who is himself an archaeologist.

172. Paragraphs 166 to 171 above should not be taken to be an exhaustive account of activities in the cultural or scientific fields which are supported or encouraged by the Government. Still less do those paragraphs purport to give an account of the wide range of activities in these fields which are undertaken in Bermuda by private individuals or bodies. The Government is confident that in Bermuda the requirements of article 15 are more than fully met.

V. BRITISH VIRGIN ISLANDS

General

173. The British Virgin Islands have a population of 14,500 (1991 estimate) and an area of approximately 152.8 sq. km.

Article 13. Right to education

174. The administration of the education system in the British Virgin Islands is governed by the Education Ordinance 1977, which is designed to provide for a coordinated and effective system of public education, the registration of private schools, the inspection of schools and the registration of teachers. The Ordinance makes it compulsory for all children between 5 and 15 years of age to attend school. The parent of a child of compulsory school age (unless the child is legally excused from attendance) who neglects or refuses to cause

the child to attend school is liable to a fine of $20 or may be required to enter into a bond with sureties to ensure that the child attends school. A school-attendance officer was appointed to be responsible for the enforcement of compulsory school attendance. In practice, the percentage of attendance is high in all schools.

175. Primary and secondary education is provided free of charge in all government schools. At the end of 1988, 1,933 students were enrolled in primary schools and 1,113 in secondary schools. One of the qualifying examinations in the secondary schools is the Caribbean Examinations Council examination, but many students have continued to sit for the London General Certificate of Education (GCE) (now the General Certificate of Secondary Education (GCSE)) examinations.

176. A vocational and technical wing of the high school caters for the needs of those students whose aptitudes indicate a preference for technical rather than purely academic study. Opportunities are available annually for the grant of scholarships to school leavers who qualify for university entrance. There is also a programme of continuing education for school leavers who do not proceed to university, as well as an organized programme of adult education for those who wish to upgrade their skills.

177. The British Virgin Islands Community College was formally opened in January 1990. It provides a wide range of courses of further or higher education.

178. A mobile library travels to all districts and is being used to good advantage.

179. At the end of 1989, eight teachers were pursuing degrees or diplomas in education at institutions of higher learning outside the British Virgin Islands, with the object of introducing new skills in the teaching and educational development of children of all ages, including the mentally or physically handicapped.

180. Religious education is non-denominational and is a regular feature in most schools.

181. The Scholarships and Training Committee, comprising both government and unofficial representatives, advises on the award of scholarships and fellowships. Some of these are funded by international organizations or through United Kingdom programmes for educational advancement.

Article 14

182. As explained above, the Education Ordinance 1977 makes provision for the enforcement of compulsory primary education. Both primary and secondary education are provided free of charge. Special facilities, such as free transportation and special books, are offered to needy children.

Article 15

183. The Government recognizes the right of everyone in the British Virgin Islands to take part in cultural life and to enjoy the benefits of scientific progress and its applications.

184. The objectives of this article are pursued mainly through the administrative process. A Creative Arts Festival is held periodically under the auspices of the Ministry of Health, Education and Welfare and is open to all residents. This is used as a means of stimulating interest in cultural activities. It is a popular event at which demonstrations of musical talent, painting, sculpture, drama and poetry, including local folklore are given.

185. A cultural centre, supported by the Government, with a seating capacity of over 1,500 is used regularly for cultural presentations and was the venue for the main pageant of the 1990 August festival. The cinema provides opportunities for the showing of specially selected films of moral and cultural content and is well patronized.

186. The Government places no restriction on the activities of authors. Indeed, every encouragement is given to anyone who demonstrates an interest in literary, scientific or artistic activities, particularly among the youth of the Islands. Legal provisions exist - for example, in applicable patent or copyright legislation - for the protection of the interests of authors of scientific, literary or artistic products.

VI. CAYMAN ISLANDS

General

187. The Cayman Islands have a population of 25,355 (1989) and an area of approximately 260 sq. km.

Article 13

188. The Cayman Islands Education Law 1968 (which was repealed and replaced by the Education Law 1983) established free compulsory education for all children aged between 5 and 16 years. Education is, in fact, available at public expense to all children from the age of three years and nine months, should their parents desire it. The Law of 1968 also established an Education Council of 12 members, with the Executive Council Member who is responsible for education as its chairman, to promote education and the progressive development of schools.

189. In addition to the educational institutions in the Cayman Islands which are operated privately, the Government maintains, entirely at public expense, nine primary, one middle and two secondary schools and a special school for mentally or physically disabled pupils. (Units for those with impaired hearing or sight form part of the primary schools.) A sheltered workshop has also been instituted for adults who are physically or mentally disabled. The total recurrent cost of the public education system in 1991 was CI$12.9 million (12.2 per cent of the Government's recurrent budget for the year).

190. The regular attendance of school pupils is required by law. Parents whose children fail to attend without lawful excuse are liable to fines. All children who reside in the outer districts are transported free of charge to the capital, George Town, to attend the middle, secondary or special schools. Children from indigent families are provided with free lunches, at government expense, at their school of attendance.

191. The middle school was constructed in 1979 and phase one came into operation in September of that year. Phases two and three were constructed in 1980 and 1989 respectively.

192. The secondary schools are fully staffed by professionally qualified teachers. Among courses available to secondary school students are a range of vocational and technical courses, including carpentry, automobile mechanics, technical drawing, computer science and secretariat science. Special attention is given, and resources dedicated, to students with learning difficulties or behavioural problems.

193. Non-denominational religious instruction is required to be given in every Government school.

194. Physical education is among the "core" school subjects. Every child has at least 80 minutes of physical education every week. This is supplemented by numerous after-school extra-curricular sports activities. Several competitions catering for the athletic abilities of the young child are organized.

195. A total of 255 teachers is employed in the public education system. The ratio of teachers to pupils at primary school level is 1:15; at the middle school level 1:12; and at the secondary school level 1:10.

196. The Government maintains by grant funds (covering operating expenses) a Community College, which was established by the Community College of the Cayman Islands Law 1987. The College, which is under the management of a Board of Governors, offers a variety of evening courses (vocational or technical, academic or recreational), as well as full-time or part-time courses during the day, in banking, accounts, tourism and vocational or technical areas. Assistance is provided for a number of in-service training activities in the public sector.

197. A purpose-designed campus for the Community College is now under construction, funded partly by the Government and partly by the European Development Fund. These improved facilities should enable the College both to broaden and to deepen the scope of its activities. Phase one of the project is expected to cost CI$4.6 million, CI$3 million of which will be charged to the Government's account. Of the three buildings in this phase, one - the Technical Studies building - is already in use. The other two - the Hotel Studies and Administration buildings - were expected to be completed early in 1991.

198. In addition to the educational institutions provided by the Government, there are six primary schools and four small secondary schools maintained by recognized churches. The Government gives annual grants and other assistance

to these schools. The amount allocated for these grants in the Government's budget for 1991 was CI$240,000 in total. All teachers at the schools are required to hold licences issued by the Education Council.

199. Scholarships for the pursuit of higher education are available from the Government to applicants who possess four or more General Certificate of Secondary Education subject passes. The amount provided for this purpose in the budget for 1991 is CI$523,000 in total. A student soft loan scheme has also been made available, from the Caribbean Development Bank, for the pursuit of vocational, technical or professional studies overseas. Teacher training is carried out by the Education Department.

200. A comprehensive review of the Government education system is now in its final stages.

Article 14

201. As explained above, compulsory education, free of charge for all, has existed in the Cayman Islands for more than 20 years.

Article 15

202. The Government recognizes the right of everyone in the Cayman Islands to take part in cultural life and to enjoy the benefits of scientific progress and its applications. The patent and copyright laws of the United Kingdom are applied in the Islands, giving protection locally to inventors, writers, artists and others.

203. For a population of their size, the Islands have an unusually large number of service clubs and sports, social and church organizations which preserve and foster the cultural heritage of the Islands.

204. There are now four main bodies with responsibilities for coordinating and promoting activities in this area. They are: The Cayman National Cultural Foundation (CNFF), which operates under the Cayman National Cultural Foundation Law 1984; the Cayman Islands Museum, which operates under the Museum Law 1979; the National Trust for the Cayman Islands, which operates under the National Trust for the Cayman Islands Law 1987; and the Public Library, which operates under the Public Library Law (Revised). All these bodies receive funding support from the Government. In 1991, the Public Library, which is wholly Government-funded, received CI$200,679; CNCF CI$100,000; the Museum CI$197,900; and the National Trust CI$70,000. An Archives and Records Office has also been established comparatively recently.

Cayman National Cultural Foundation

205. The CNCF Board has as its main operating concern the management of the Harquail Theatre, built in 1984 almost entirely from funds and on lands given for the people of the Cayman Islands by a private benefactor. The surrounding lands, some 12 acres in all, are also administered by CNCF, with the long-term aim of developing a cultural centre. The Theatre has become an increasingly popular venue for stage productions by both local and visiting artists.

206. Among local groups using the Theatre for stage productions have been the Cayman Islands High School drama students, school children in the National Children's Festival of Arts and the Northward (Prison) Players. Musical groups using the Theatre have included the National Choir, the Music Club and, from time to time, various gospel choruses. The Theatre has also been found to be an appropriate venue for display exhibitions by the Visual Arts Society, the Garden Club, the Education Department and other groups. It has therefore become a true community resource. A private group, the Cayman Drama Society, also completed a theatre facility of its own in 1990.

207. In addition to managing the Harquail Theatre property, CNCF attempts to encourage various forms of cultural expression. They have been involved in Carifesta (a Caribbean arts gathering) presentations and, most recently, organized a highly successful playwriting workshop with sections for adults and for schoolchildren. They have in the recent past also sponsored attendance by local people at dance training workshops in Jamaica.

Cayman Islands Museum

208. The Cayman Islands Museum opened on 17 November 1990 in the Old Courts Building, the oldest existing public building in the Cayman Islands, which had been extensively renovated and refurbished. The Museum features permanent and changing exhibitions, as well as occasional travelling exhibitions. Various categories of membership are available, geared to produce as widespread public support as possible, as well as to solicit philanthropic contributions.

209. The Museum also works with the National Trust on the Memory Bank oral history project.

210. The Board of the Museum is charged with the management of the Museum, with the support of staff who are publicly appointed and paid. The Board secured a loan of CI$300,000 on favourable terms from a locally established bank to cover renovation costs, and this is backed by a government guarantee.

211. There is also a museum featuring Brac artefacts in Cayman Brac, housed in the former District Administration Building.

Cayman Islands National Trust

212. The Trust was established in 1987 for the purposes of:

(a) The preservation of the historic, natural and maritime heritage of the Islands through the preservation of areas, sites, buildings, structures and objects of historic or cultural significance;

(b) The conservation of lands, natural features and submarine areas of beauty, historic or environmental importance which the Trust may have acquired through gift, bequest, purchase, lease or other means;

(c) The protection of native flora and fauna.

213. The Trust has so far been given three properties to manage: the Salinas in the eastern interior, a 650 acre plot which is planned to be preserved in

its natural condition; the ruins of Fort George in George Town; and an area in Frank Sound. Plans are being developed for the establishment of a botanical garden in the last of these, an apparently undisturbed area of great natural beauty.

214. As indicated in paragraph 209 above, the Trust is working in cooperation with the Museum on the Memory Bank project.

215. The Trust is also working on the compilation of a Heritage Register of properties which seem to typify various aspects of Caymanian architecture and culture more generally. In addition, district councils of the Trust are working on a variety of individual programmes.

216. A captive breeding programme for the Cayman Blue Iguana (cyclura nubila lewisi, the rare subspecies found only on Grand Cayman) has been successfully initiated by the Trust, with the assistance of the Life Fellowship Foundation of Tampa, Florida. A programme of public education on the Grand Cayman and Cayman Brac parrots (amazona leucocephela caymanensis) is to be undertaken with assistance from the Rare Bird Centre of Philadelphia, Pennsylvania.

Public Library

217. A consultancy in library services is now in its final stages. It is hoped that this will lead to an improvement in both school and public library services. Government schools have library facilities at present, but it is thought that there is a need for these to be tied more closely to curriculum and teaching practice. It is hoped that these areas of concern among others (including possible amendment of the Public Library Law (Revised)) will be dealt with as a result of the current review.

Archives and Records Office

218. This Office was established in 1988 and has developed rapidly. Physical facilities for it and enabling legislation are now being prepared. Progress is being made with the collection of local archival material from various sources. The archivist has been involved with the Memory Bank project since the establishment of the Office.

VII. FALKLAND ISLANDS

General

219. The Falklands Islands have a resident population of 2,050 (1991 Census (5 March 1991)): not including military personnel and their families, civilian contractors' personnel associated with the military and their families, visitors and tourists, or persons namely resident in the Falkland Islands but temporarily overseas). They have an area of approximately 12,173 sq. km.

Article 13

A. Compulsory Education

220. During the current reporting period the Education Ordinance 1989 was enacted. Under it, education is compulsory for all children from the beginning of the school year (February to the following January) in which they attain the age of 5 to the end of the school year in which they attain the age of 15. (The position was the same under the pre-existing law, and thus during the whole of the reporting period.) At the commencement of the current reporting period some employers in Camp (all parts of the Falklands outside the capital, Stanley) were responsible for providing education to the children of their employees of primary school age (5 to 11 years), secondary schooling being provided by the Government for Camp children of 11 to 15 years. By 1989 the Government had assumed the entire responsibility. Under the present law, a private (non-government) school is permitted, provided that it meets acceptable standards. No such school for children of the age of five years or more exists, although a part-time private school for children of the age of two to four years exists in Stanley.

221. Education provided by the Government for children of compulsory school age is entirely free of charge. Parents of children of compulsory school age are under a legal duty to ensure that their children receive a sufficient education.

222. In respect of a child attending a government school, this duty is automatically fulfilled provided that the parent secures regular and sufficient attendance of the child. In respect of a child of 5 to 11 years of age in Camp, this duty is fulfilled if the parent secures the adequate participation of the child in the Camp Education Programme (see below). It is otherwise secured by the parent sending the child overseas for education (and, by parents' choice, a number of children are being educated at various fee-paying schools in the United Kingdom, in some cases with financial assistance from the Government) or by satisfying the Director of Education that the child is being adequately educated in some other way (for instance, if a parent is a qualified teacher capable of educating his or her children satisfactorily for a number of years, with the assistance of international correspondence).

B. The Camp education system

223. Some families in Camp live in isolation. They have too few children to support a viable school. To deal with this particular problem the Camp Education Office is based in Stanley. It operates partly by "distance learning" methods and partly by travelling or resident teachers. Every child participating at a remote location receives daily lessons by radio from Monday to Friday except during holiday periods. (Textbooks and materials are provided by the Government free of charge.) These are supplemented by visits to the child (or a group of children living in the same location) by a "travelling teacher". A number of such teachers are in the employment of the Government specifically for the purpose of travelling around Camp to educate these children. Typically such a teacher will spend two weeks at a time on a number of occasions during the year with a child or small group of children.

This, of course, requires the full-hearted cooperation of parents, which is forthcoming almost without exception. A failure by the child is readily spotted on the radio schedule by failure to submit work and on the travelling teacher's visit. (It might be added that the teacher's visit, as well as visits by the health visitor and a government physician, enable the child's welfare to be monitored also). So far as is possible, all isolated children are encouraged to associate with other children as frequently as possible. Some of them are brought to Stanley to attend school there for a week or so (so as to mix with other children in numbers) and the Department of Education, in holiday periods, arranges stays in Camp of children attending school in Stanley. Since the great majority of Camp children go on to attend secondary school in Stanley rather than continue their compulsory education in another way, the Department of Education is readily able to monitor the effectiveness of the Camp Education system. This is judged as effective, although the Camp children have not been able to participate in team sports, swimming activities and group activities such as music and school plays and pantomimes while receiving education in Camp.

224. The Department of Education lends educational video-recordings to parents of children in Camp. It is examining the possibility, following the introduction of television broadcasting to Camp, of introducing educational broadcasts aimed at Camp children.

C. Secondary education

225. Secondary education is available to all children. In respect of Camp children of secondary school age, the Department of Education maintains a school hostel where such children are boarded, if not living with relatives, for example, in Stanley (as some do). Very modest contributions towards the cost are payable by Camp parents (not exceeding the weekly amount of family allowances payable in respect of the child). The subisidiary element of the cost of operating the hostel is currently of the order of £7,000 a year per child boarding there.

226. The secondary school teaches some technical and vocational subjects (craft design and technology). Computer studies and office systems and information processing are all taught to secondary school examination standard (General Certificate of Secondary Education administered by various examination boards in the United Kingdom). They are compulsory subjects during the earlier years of secondary education and optional thereafter. Agriculture is an optional subject.

227. Staying on at secondary school for an additional year so as to enable the pupil to be taught for, and sit, external examinations is optional. But the Department of Education presently has under consideration extending compulsory education to the end of the school year in which the pupil attains the age of 16 years. Over half of all pupils already stay at school until that point.

228. A new secondary school in Stanley is being built at a cost expected to be £13.5 million.

229. The following statistics as to the education of children are given:

(a) Number of children below the lower limit of compulsory attendance attending a government school: 13;

(b) Children of compulsory school age:

(i) Aged 5 to 11 years attending government junior school in Stanley: 124;

(ii) Aged 5 to 11 years participating in Camp education system (see paras. 219, 220): 54;

(iii) Aged 11 to 15 years attending government senior school in Stanley: 124;

(iv) Aged 11 to 15 years resident in Camp and not attending government school: 2;

(v) Pupils of age above upper limit of compulsory attendance and attending government senior school in Stanley: 21;

D. Higher education

230. Because of the small population in the Falkland Islands, higher education cannot be provided locally. However, the Falkland Islands Government pays the cost of education at institutes of higher education in the United Kingdom of all pupils who have reached the required entrance standard to obtain admission. In respect of children who have reached a sufficiently high standard at the government secondary school it arranges for (and pays the full cost of) education, to institute of higher education entrance standard at a school in Winchester, United Kingdom (Peter Symond's School). Children from the Falkland Islands are currently attending that school. These facilities are available to all on an entirely non-discriminatory basis. Where a parent chooses to send a child to a school in the United Kingdom other than Peter Symond's School, the Falkland Islands Government contributes to the cost (to the extent of what would be the cost of sending that child to Peter Symond's School).

231. Persons from the Falkland Islands are currently attending universities and other institutes of higher education in the United Kingdom at the cost of the Falkland Islands Government. Fees, accommodation costs, book allowance and a general living allowance are paid, as well as the cost of one return journey to the Falkland Islands each year.

E. Literacy

232. There is no illiteracy problem in the Falkland Islands and adult literacy levels are believed to exceed 98 per cent. The Falkland Islands Government is not aware of the existence of any person in the Falkland Islands who has not completed primary education.

F. The Falkland Islands expenditure on education

233. During the 1990-1991 financial year, the Falkland Islands Government spent £1,482,429.22 out of its recurrent budget on education and training. It spent £5,922,112.03 out of its capital budget on these matters.

G. Part-time education of adults

234. The Falkland Islands Government provides part-time (evening) education for adults in a number of subjects. In the past year these have included Spanish, German, mathematics, word-processing and typing, book-keeping and art. The availability of classes is dependent on demand and on a teacher being available. These classes are not free. (The cost is typically £2 per session, plus cost of materials.)

H. Vocational training of adults

235. In the Falkland Islands generous assistance is provided in the vocational training, overseas, of adults. The Falkland Islands Development Corporation, on a non-discriminatory basis, meets the cost of such training of persons not employed by the Government (which meets the cost in respect of its own employees). Further, any private sector employer who pays for the cost of any such training for an employee receives a deduction from tax on profits of one and a half times that cost.

I. Further information

236. All educational facilities are available on an entirely non-discriminatory basis. Teaching is in English. There is a small number of children of immigrants whose mother tongue is Spanish. They are not separately taught but receive special attention in English language skills.

237. Teaching staff in the Falkland Islands are remunerated in accordance with general civil service scales at competitive rates. The Falkland Islands recruit most of their teachers from overseas. It is believed that the remuneration of teachers compares favourably with that elsewhere.

Article 14

238. See information provided under article 13.

Article 15

239. Generally, the legislation implementation of the obligations under this article is secured by Chapter I of the Constitution.

240. The Government supports cultural life by providing venues in which cultural events can be held. These include an exhibition of arts and crafts (there is a national exhibition annually); a schools art and craft exhibition; a photography exhibition; plays; pantomimes; visiting bands and entertainment groups; a small, nascent local musical chamber group; dances and musical

entertainments both in Camp and Stanley; and, this year, a national poetry competition, sponsored by a local newspaper (which is subsidized by, but independent of, the Government).

241. The Government has established a national museum which it has handed over to a statutory trust of local people. It is committed to funding the considerable expansion of the museum.

242. The Government operates a radio station which relays many programmes broadcast by the World Service of the British Broadcasting Corporation, as well as broadcasting many programmes of purely local content. There is a television station broadcasting six hours a day at minimum (likely to be increased to 12 hours a day in the near future). This is receivable only in Stanley and parts of East Falkland at present but is to be extended so as to be receivable nationwide within the next few months. The station shows many programmes depicting the culture of other peoples.

243. The Constitution (chapter I) guarantees artistic freedom and the freedom of performance and of broadcasts. The only restrictions are those to prevent defamation of others and obscenity. Subject to the laws regarding obscenity, any publication may be imported. In these respects, the laws of the Falkland Islands incorporate the relevant laws of England.

VIII. GIBRALTAR

General

244. Gibraltar has a population of 30,861 (1990 estimate) and an area of approximately 5.86 sq. km.

Article 13

245. Primary education is free and compulsory between the ages of 4+ and 11+ years, based on age at the beginning of the academic year. The First Schools cater for the 4+ to 7+ age-range and the Middle Schools for the 8+ to 11+ age-range.

246. Secondary education is free and compulsory between the ages of 12+ and 15+ years. There are two single-sex comprehensive schools at present in operation. In the first two years, both secondary schools offer a broad compulsory curriculum which includes English, mathematics, French, Spanish, history, geography, science, art, music, religious education, home economics and craft design technology. In the third and fourth years, pupils opt for four or five subjects (from a wide range) which they study in greater detail for public examination purposes. In addition, all pupils take a compulsory core comprising English, Spanish, mathematics, religious education and physical education. Children are permitted to leave school when they have attained their fifteenth birthday and have reached their third year of secondary education. All children staying on into the fourth year of secondary education take public examinations.

247. About 60 per cent of the age group opt to stay on in the sixth form of the two secondary schools. The majority of sixth form students wish to follow an academic career, but some just want to widen their 16+ and 17+ studies.

248. The Gibraltar College of Further Education provides free education for those wishing to follow a vocational course. The college comprises two separate departments: Technology; and Business and Commercial Studies. These provide vocational courses leading to the National Diploma Certificate in most technical subjects, as well as secretarial and other qualificiations.

249. About 80 per cent of the students in the sixth form following academic courses and 20 per cent of the students following courses at the Gibraltar College of Further Education opt to continue their education at a higher level. There are no higher education institutions in Gibraltar and students are given the opportunity to continue their studies in the United Kingdom. The Gibraltar Government operates a scholarship scheme which meets all the financial needs of the award holders. Over 110 students every year go to universities, polytechnics and colleges of higher education in the United Kingdom. There are currently over 300 students in the United Kingdom studying under the auspices of the Gibraltar Government. The cost of running this scheme is over £1.1 million.

250. At the end of 1990, 2,696 pupils were enrolled in the 12 government primary schools, 232 in the one private primary school (run by Loreto nuns) and 561 in the two services primary schools, making a total of 3,489 pupils. A further 1,885 pupils were enrolled in the two government secondary schools. (More recently, two new schools have been opened: one primary and one middle school.) In addition, there were also 13 private and 2 government nursery units, and 2 facilities for disabled and retarded children and adults. There was a total of 334 teachers for all schools.

251. The language of instruction in the schools is English. But, as indicated above, Spanish is taught as a second language, particularly in the secondary schools.

252. Expenditure on education in the fiscal year 1989/1990 was £7.6 million, which represented 8.5 per cent of total recurrent expenditure.

253. Both sexes have equal access to and make equal use of all levels of education.

254. Teachers in Gibraltar enjoy parity in terms of salary with those in the United Kindom.

Article 14

255. The observance of this principle is assured by the Education Ordinance (1974). See also under article 13 above.

Article 15

256. The Minister for Education and Culture, the Hon. J. Moss, is the Chairman of the Arts Advisory Council.

257. The Advisory Council was set up in June 1986 in order to assist the Minister in the development of government policy on culture. Its terms of reference are as follows:

(a) To advise the Minister on the promotion and development of the arts in Gibraltar;

(b) To advise and cooperate with departments of government and other bodies or organizations on matters concerned, directly or indirectly, with the encouragement of the arts in Gibraltar;

(c) To establish a sub-committee specifically charged with the organization of an annual drama festival.

258. All members of the Council, other than ex-officio members are appointed for a two-year term but are eligible for reappointment. They are nominated by the Minister for Education. The Council has powers of co-option to sub-committees for specifically identified projects or programmes.

259. The main centre for cultural activities in Gibraltar is the John Mackintosh Hall, which was built, in the words of the commemorative plaque, "For the people of Gibraltar by the Trustees of the Will of John Mackintosh in pursuance of his wishes for the promotion of closer links with Great Britain by the furtherance of English Culture and Education". The John Mackintosh Hall, situated in the Main Street, is a multipurpose building which includes among its facilities three exhibition rooms, galleries, a theatre, meeting rooms, and a reference and lending library. This cultural centre is run, with funds voted by the Gibraltar Government, by a Board of Management chaired by the Minister for Education and Culture.

260. Theatre continues to flourish in Gibraltar with numerous plays, musicals and shows being put on every year. Groups are self-financing, although for the purposes of the Gibraltar Drama Festival, which will be celebrating its 50th anniversary in 1993, financial assistance is granted to participating groups.

261. Furthermore, the Gibraltar Government provides financial assistance every year to cultural associations. Applications are considered by the Cultural Grants Committee under the Chairmanship of the Minister for Education and Culture.

262. The Arts Centre, which houses the Gibraltar Academy of Dance and a gallery for exhibitions and which runs weekly courses in art for juniors and adults, is mainly self-financing, but also receives assistance from the Cultural Grants Committee.

263. Since the reopening of the frontier in 1985, there has been an increased awareness and coordination by artists and cultural institutions on both sides of the frontier.

264. The Gibraltar Government and Mancommunidad de Municipos del Campo de Gibraltar cooperate closely in matters dealing with cultural affairs on both sides of the frontier.

IX. HONG KONG

General

265. Hong Kong has a population of 5,674,000 (1991 estimate) and an area of approximately 1,075 sq. km.

Article 13

Paragraph 1

266. The statutory framework and administrative structure within which education in Hong Kong is conducted and current policy objectives in the field of education are all fully consistent with the principles and aims set out in this article. There is no discrimination on grounds of race, religion or language regarding access to educational facilities.

Paragraph 2 (a)

267. Free primary education was introduced in all Government and aided primary schools (with the exception of a very small number of schools mainly for English-speaking children) in 1971. Free primary education continues to be available for every child in the primary school age group. Primary education normally commences at the age of six years.

268. While primary education is not "compulsory" as such, where it appears to the Director of Education that a parent of a child is withholding a child from attending primary school without a reasonable excuse, the Director may serve upon the parent an attendance order requiring him to cause the child to attend regularly as a pupil of the primary school named in the attendance order. While these powers do not in a strict legal sense constitute compulsory attendance, they are nevertheless intended substantially to achieve the same effect.

Paragraph 2 (b)

269. Secondary education is available to all on completion of the primary course. Free junior secondary education is provided for all primary leavers from standard primary schools. This is a three-year course in Government schools and schools in receipt of aid and other forms of financial assistance from the Government. Technical and prevocational schools are included in this provision.

270. A child in the relevant age group may be made the subject of an attendance order. Thus, a course of nine years' free education is available to all.

271. As regards the senior secondary level, it has, since 1978, been a policy aim to provide subsidized (but not entirely free) Secondary 4 places for 60 per cent of the 15-year-old population in 1981, rising to more than 70 per cent by 1986 and to 85 per cent ultimately. Progress towards these targets has been substantial. It is anticipated that provision will

reach the 85 per cent target in 1983. Technical education at this level is also available in the eight technical institutes run by the Vocational Training Council. The provision of sixth form places in Government and aided schools is in accordance with a policy objective, established in 1987, for providing subsidized Secondary 6 places for one third of the pupils, with progression to Secondary 7 in schools operating a two-year sixth-form course.

Paragraph 2 (c) .

272. Admission to institutions of higher education financed by the Government is on merit. A systematic expansion programme is being implemented to increase the number of student places. At present first-year places are available in these tertiary institutions for up to 88 per cent of the applicants fulfilling minimum entrance requirements.

273. In December 1991, full-time enrolments were 9,789 at the Hong Kong University, 9,071 at the Chinese University of Hong Kong, 10,752 at the Hong Kong Polytechnic, 7,403 at the City Polytechnic of Hong Kong, 3,470 at the Hong Kong Baptist College, 1,310 at the Lingnan College and 691 at the Hong Kong University of Science and Technology. First-year tertiary places, at a total of 15,520 full-time equivalent, are provided for 18 per cent of the 17-20 year age group. This figure is expected to increase to 20,040 by 1994-1995, representing 25 per cent of the relevant age group.

274. Financial assistance to needy students at these institutions is available in the form of scholarships, bursaries and loans.

Paragraph 2 (d)

275. To cater for persons who have not received primary education, or whose primary education has been curtailed, the Adult Education Section of the Education Department makes available a number of retrieval courses, including Chinese literacy classes and Chinese general subjects classes, of such a kind as to afford full opportunity to such persons to further their basic education. Similar courses are also provided by voluntary bodies in receipt of financial assistance from the Government. Courses at a more advanced level are also provided (for example, those of the Evening School of Higher Chinese Studies). In addition, a number of private schools operate Chinese literacy classes.

Paragraph 2 (e)

276. As indicated in the comments above on article 13, paragraphs 2 (a), (b) and (c), the development of a system of schools at all levels is actively pursued. A variety of opportunities exist, both within Hong Kong and made available by institutions overseas, for teachers to pursue professional studies. Teaching staff employed by the Government participate in such improvements of conditions of service as affect the Civil Service generally. Salary scales of teaching staff employed in schools in receipt of a recurrent subsidy from the Government and administered under the relevant Codes of Aid applicable to such schools are subject to improvement, pari passu, with those

of teaching staff employed in the Civil Service. Conditions of service of teachers in private schools are matters of private contract between employer and employee.

Paragraph 3

277. The Education Ordinance, which constitutes the legal framework within which schools are established and conducted in Hong Kong, makes provision for the registration of private schools, subject to statutory requirements regarding the suitability and safety of premises to be used for school purposes and the suitability of persons to be approved and registered as managers or employed as teachers. Private schools registered under the Education Ordinance offer a wide variety of courses at kindergarten, primary, secondary and post-secondary levels. There is no restriction on the liberty of parents or legal guardians to utilize the facilities provided by private schools.

Paragraph 4

278. As regards the liberty of individuals to establish and direct educational institutions, the Education Ordinance places no restrictions on such liberty other than such as may arise from a legitimate concern that individuals applying to be approved or registered as managers of schools are, in general, fit and proper persons to be entrusted with the responsibilities involved.

Article 14

279. As regards primary education, the comments above on article 13, paragraph 2 (a), are relevant. The provisions of the Education Ordinance relating to the power of the Director of Education to order attendance at primary or secondary school cover children undergoing both primary and junior-secondary education.

280. Education at the primary and junior-secondary levels in the public sector is free. At the senior-secondary level, it is heavily subsidized and only a small standard fee is charged. A free remission scheme is in operation in the public sector to ensure that no pupil allocated a place in this sector is debarred from taking it up because of lack of financial resources.

Article 15

A. Right to take part in cultural life (paragraph 1 (a))

281. It is general policy to encourage the free participation of people in all aspects of cultural life, including creation and performance, subject only to measures intended to prevent the dissemination of material deemed likely to corrupt the morals of society. The copyright of works of creative artists is protected.

282. Over the last decade, the Government and the municipal councils have played a more active role in the arts, with the aims of promoting artistic excellence and making the arts more accessible to the general population.

283. In order to make the arts more accessible, numerous measures have been taken by both the Government and the municipal councils. For its part, the Government has concentrated on the development aspects of cultural promotion. To this end, it:

(a) Established the Council for the Performing Arts in 1982 to advise on the promotion of the arts and the disbursement of funds for this purpose;

(b) Established the Academy for Performing Arts in 1984 to provide professional training to diploma and higher diploma level in both Western and Chinese forms of dance, drama and music. The Academy will become a degree-awarding body in the near future;

(c) Takes measures to record and conserve important aspects of Hong Kong's cultural heritage, including both archaeological sites and the built environment, through the work of the Antiquities and Monuments Office.

284. Funded from property taxes and central taxation, the municipal councils:

(a) Have constructed purpose-designed performance venues throughout the territory. Venues opened in recent years include the Hong Kong Coliseum in 1981, seating 12,000; the Cultural Centre in 1989, with a grand theatre, concert hall and studio theatre; and several large district centres (namely, the Ko Shan Theatre in 1983, the Ngau Chi Wan Civic Centre in 1987, the Sheung Wan Civic Centre in 1988 and the Sai Wan Ho Civil Centre in 1990). In addition, the Academy for Performing Arts also has a theatre, concert hall and studio theatre. These venues are available to private groups, as well as for programmes presented by the operators. There are also about 150 private venues;

(b) Present subsidized programmes of music, dance and drama by local and overseas performers throughout the year. In addition, special festivals are held focusing on Asian and international arts, and on film and children's arts;

(c) Operate museums focusing on various aspects of cultural heritage, including history, art and folk history. In addition, exhibitions of various kinds are staged in municipal and other venues, including the Hong Kong Arts Centre and private venues;

(d) Provide ancillary facilities such as a specialist arts library, rehearsal and practice space, arts studios, and the Visual Arts Centre, which provides local artists with well-equipped workshops for their creative work in sculpture, ceramics and print-making; and

(e) Operate more than 50 public libraries throughout the territory, providing both reference and free loan facilities.

285. The mass media have no defined role in the promotion of culture as they are free to determine their own programming. However, various radio and television stations do show cultural programmes, and the public radio station operates a fine music channel.

B. Right to enjoy the benefit of scientific progress and its applications (paragraph 1 (b))

286. The Hong Kong Government has taken a number of measures to promote the development of science, the application of scientific progress for the benefits of the community and the diffusion of information on scientific progress.

287. Science subjects are taught at primary and secondary schools and post-secondary educational institutions. Besides obtaining funding from benefactors and private companies, various institutions of higher education receive financial support from the Government for conducting scientific research. The Hong Kong University of Science and Technology, newly opened for classes in October 1991, is specially committed to promoting technological applications in Hong Kong and the Asia and Pacific region.

288. The Government provides facilities and services to facilitate technological upgrading in industries in Hong Kong. These include industrial estates which cater for high-technology industries; services to help industry to improve productivity; promotion of technology transfer through inward investment; establishment of the Hong Kong Industrial Technology Centre; and support for industrial research through an applied research and development scheme.

289. Both the Hong Kong Space Museum and the Hong Kong Science Museum have played an important part in the diffusion of scientific information to the public. The former, which formed the first phase of the Hong Kong Cultural Centre, was opened in October 1981. It provides the public with an exceptional entertainment venue in which knowledge of the universe, space exploration and related sciences are presented through sky shows, Omnimax film shows, exhibitions, lectures in astronomy and telescopic observations. A 20-million exhibit renewal programme was completed in July 1991.

290. The Hong Kong Science Museum was opened in April 1991. The 550 exhibits of the Museum, the majority of the "hands-on" type, cover five major areas, namely: orientation, science arcade, life sciences, technology and a children's zone. The technology area is further subdivided into computer and robotics, energy, communication, construction, transportation, food science and home technology. Its 20-metre high energy machine is the largest of its kind in the world. With a wide range of science activities, such as lectures, science film shows, fun-science activities, visits from professional groups, schools and other underprivileged groups, the Museum is a place for people of all walks of life to experience and discover the mystery of science and technology.

291. The Hong Kong Government is aware of the need to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment of human rights. The Bill of Rights Ordinance enacted in June 1991 provides, inter alia, that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment and, in particular, that no one shall be subjected without his free consent to medical or scientific

experimentation. The Law Reform Commission is currently examining the law relating to information privacy. A consultation document on data protection will be released for public comment in early 1993.

C. Protection of the interests of authors (paragraph 1 (c))

292. In recognizing the right of everyone in Hong Kong to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author, the United Kingdom has extended the application in Hong Kong of the main international treaties on intellectual property rights, namely, the revised Paris Conventions for the Protection of Industrial Property 1883-1967, the revised Berne Conventions for the Protection of Literary and Artistic Works 1886-1948, the revised Universal Copyright Conventions and Protocols 1952-1971, and the Convention for the Protection of Producers of Phonograms Against Unauthorised Duplication of Their Phonograms.

293. Hong Kong has a comprehensive legal framework for protecting intellectual property rights:

(a) In relation to scientific production, the Registration of Patents Ordinance provides for the registration in Hong Kong of United Kingdom patents for inventions granted under the Patents Acts 1949-1977 and of European patents designating the United Kingdom under the Convention on the Grant of European Patents 1973. Anyone who has registered a patent in Hong Kong can take legal action on infringement of his patent.

(b) Trade marks identifying the goods which carry them can be registered in Hong Kong under the Trade Marks Ordinance. With effect from 2 March 1992, the registration will be expanded to services: vide the Trade Marks (Amendment) Ordinance 1991. Unregistered trade marks can also be protected under the common law.

(c) The expression of an author's literary and artistic creativity is protected by copyright. The United Kingdom Copyright Act 1956 (as amended) which applies to Hong Kong, together with the Hong Kong Copyright Ordinance, is the basic legal source of copyright protection and enforcement in Hong Kong.

294. Proposals are being formulated for new legislation to protect the layout design of integrated circuits.

295. Furthermore, the Hong Kong Government recognizes the impact of the rapid development in technology on the present intellectual property rights regime in Hong Kong. The Patent Steering Committee was appointed to review the patent system in Hong Kong while the Law Reform Commission of Hong Kong is in the process of making law reform recommendations to the Hong Kong Government on the law relating to copyright.

296. Apart from making laws, the Hong Kong Government established the Intellectual Property Department in 1990 as part of its commitment to ensuring that Hong Kong's regime for the protection and promotion of intellectual

property rights is commensurate with the provisions of the Covenant. The Hong Kong Government's intellectual property rights policies are executed by the Department.

297. On the enforcement side, the Customs and Excise Department of the Hong Kong Government is responsible for enforcing the criminal aspects of intellectual property rights. It investigates complaints alleging infringement of trade marks and copyright. The Department has extensive powers of search and seizure and collaborates with overseas enforcement authorities and owners of trade marks and copyright in a concerted effort to combat infringement of intellectual property rights. The Department has received many commendations for its work from both public and private institutions, locally and overseas.

298. The court is the normal forum for dispute settlement in relation to intellectual property rights. In the area of copyright, there is also a quasi-judicial body known as the Performing Right Tribunal which decides disputes between copyright collecting societies and prospective users of copyright works. Appeal on a point of law can be made from the Tribunal to the High Court in Hong Kong.

X. MONTSERRAT

General

299. Montserrat has a population of 11,924 (1989 estimate) and an area of approximately 103 sq. km.

Article 13

300. The Education Act provides the legal framework for the realization of this right. No discrimination on account of social origin, birth, parentage or other grounds is permitted in the enjoyment of the rights covered by the article.

Right to primary education

301. Every child from 5 to 12 years of age is entitled to receive full primary education. To ensure the full realization of this right, the following measures have been taken:

(a) Nine Government and two grant-aided co-educational primary schools have been established at strategic locations throughout the Island, each school being within two miles of the homes of its pupils;

(b) Free textbooks, free school supplies and subsidized school meals (free to the needy) are provided;

(c) Financial assistance is provided, on application, to needy families.

302. Approximately 98 per cent of all children are covered by primary education and admission to primary education is free (see para. 301 (b) above).

303. Lack of adequate facilities and trained personnel prevent the full participation of children who are severely disabled.

Right to secondary education

304. Since 1986 the Government has made available five years of secondary education to all children from 11 to 16 years of age. This is provided in the Montserrat Secondary school, which comprises two junior campuses and one senior campus. Students also have the opportunity to pursue two years of post-secondary education at the senior campus.

305. One technical/vocational school provides full- and part-time courses for students who demonstrate the ability to pursue technical/vocational training. In addition, the secondary school offers elements of technical/vocational education. Admission to secondary education is free. Subsidized transport, financial assistance to needy students, subsidized lunches (at junior-secondary level) and other benefits administered on an ad hoc basis are provided by the Government to facilitate access to secondary education.

306. There are some deficiencies in facilities and equipment, the remedying of which would contribute to the quality of secondary education. Efforts are being made to address these deficiencies. The devastation caused by Hurricane Hugo has been a limiting factor.

Right to higher education

307. For the purpose of promoting and encouraging the growth of higher education among the people of Montserrat, the Government contributes to the upkeep and operation of the University of the West Indies, thereby helping to ensure the availability of regional facilities for higher education.

308. Where financial assistance in pursuing higher education is required, such assistance may be provided if funds are available. Where selected fields of study match manpower requirements, higher education is provided free of expense to students.

309. Higher education is equally accessible to all, without discrimination.

Right to fundamental education

310. Montserrat subscribes to the principle of fundamental education. Approximately 95 per cent of the population aged 55 years or under have completed six years of primary education.

311. No statistical data showing the evolution in the realization of the right to fundamental education are available. Given, however, the level of adult literacy, it may be concluded that the right to fundamental education is substantially realized in Montserrat.

Development of a system of schools

312. The Education Act provides the legal mechanism for the establishment of a system of schools.

313. No statistical data relating to the development of a system of schools at all levels are readily available. But education accounts for approximately 17 per cent of recurrent expenditure annually.

Establishment of an adequate fellowship system

314. Provision for the award of fellowships in the field of higher education is made by the Montserrat Scholarship Ordinance. The fellowship system is not applicable to primary and secondary education, to which, as indicated above, admission is free.

Improvement of the material conditions of teaching staff

315. Provision for the improvement of conditions of teachers is made under the Education Act - in particular, section 39 (d). Generally, their rights as public or private sector employees are protected under the Public Service Commission Ordinance, the Pension Act or the Employment Ordinance.

316. The working conditions of teachers are in keeping with generally accepted practice. Salaries are negotiated through staff organizations. Private sector employees participate in a social security scheme. Public sector teachers participate in the Government pension scheme. Provision is made for the continuing education of teaching staff through bursaries, fellowships and other in-service education arrangements.

317. The Montserrat Union of Teachers is represented on the National Education Advisory Committee. Teachers participate in the preparation of all curricula and teaching materials developed in Montserrat.

318. There are no factors or difficulties specially affecting the material conditions of teaching staff - that is, specific to them as a group.

Right to choice of school

319. There is no legislation providing specifically for the right to choice of school and no specific measures have been considered necessary to promote it, but it is effectively protected by custom and practice and is generally accepted and exercised.

Liberty to establish and direct educational institutions

320. The Education Act, notably its section 39, and the Universities and Colleges Ordinance 1980 provide the legal framework for the enjoyment of this liberty and no practical measures have been found necessary to prevent interference with it.

Article 14

321. This principle is secured by the Education Act, particularly its sections 14, 15 and 20. It is fully implemented in Montserrat and there are no factors or difficulties affecting its promotion.

Article 15

Right to take part in cultural life

322. There are no general laws providing for the right to take part in cultural life. Nor, however, is there any law interfering with the exercise of the right, which is generally available to everyone.

323. Practical measures for the realization of the right include the following:

(a) Financial provision is made for the support of cultural development. The Government is generally supportive of the efforts of various cultural groups operating within Montserrat.

(b) There are no purpose-built cultural centres, but schools and community centres in the rural areas, and the School of Continuing Studies in Plymouth, the principal town, are utilized for cultural activities. A small museum is operated by the Montserrat National Trust. The Montserrat Public Library, which is located in Plymouth with a mobile service to rural areas, provides a free lending service.

(c) The School of Continuing Studies of the University of the West Indies is actively engaged in measures to promote the right.

(d) The mass media (mainly radio broadcasting) are used extensively in promoting participation in cultural life. They provide a vehicle for the exposure of talents, especially in the performing arts and literature.

(e) The Montserrat National Trust was established to preserve and present the cultural heritage of the Island.

Right to enjoy the benefits of scientific progress and its applications

324. There are no laws relating specifically to the promotion of this right.

325. The Public Health Department is actively engaged in measures aimed at the promotion of environmental health. These include vector control programmes, garbage collection and disposal services, and dissemination of information on the principles of environmental health through radio programmes and lectures throughout the Island. As a member of the Caribbean Conservation Association, Montserrat is committed to the principles, relevant to conservation, that are inherent in this right.

326. Montserrat is not a source of scientific or technical discoveries, and it is therefore unnecessary to legislate specifically to prevent abuse of such discoveries. With regard to imported technology, the common law prohibits use

for homicide or offences against the person and the Genocide Ordinance prohibits genocide. There is no express prohibition of electronic surveillance, but the Police Act and Judges' Rules limit police powers of investigation to prevent surreptitious surveillance. The Prison Ordinance and Rules strictly control the treatment of prisoners, and the rights of mental patients are protected by the provisions of the Lunacy and Mental Health Act. No scientific experiment on, or medical treatment of, any person may be carried out without the consent of that person. Entry into a person's home without a warrant issued by a magistrate is unlawful.

Protection of Moral and Material Interests of Authors

327. Protection is given by the copyright legislation of the United Kingdom as applied to Montserrat.

Steps taken for the conservation, development and diffusion of science and culture

328. There are no laws specifically designed for this purpose but appropriate administrative arrangements are made: for example, special emphasis is placed on the teaching of science at all levels of the schools system and the mass media have been used extensively for the diffusion of scientific and cultural information.

Right to the freedom of scientific research and creative activity

329. No legislation provides specifically for the right to the freedom of scientific research and creative activity, but there is equally no legislation preventing persons from engaging in such activities.

330. However, the lack of adequate financial and technical resources does create some difficulties in the way of the full implementation of the right. In particular, financial constraints prevent the provision of adequate resources to encourage any significant scientific research within Montserrat. Nevertheless, the Government provides financial assistance to local artistes for their participation in Caribbean Arts Festivals and contributes to various organizations engaged in scientific research or creative activities. No restriction is placed on the import or export of books or other forms of literature.

Encouragement and development of international contacts and cooperation in the scientific and cultural fields

331. Montserrat has strong communication links with the Caribbean UNESCO Office in Jamaica and is now in a better position to utilize facilities offered by UNESCO in the scientific and cultural fields.

XI. PITCAIRN

332. The situation in the Pitcairn Islands with respect to articles 13 to 15 of the International Covenant on Economic, Social and Cultural Rights remains, with one exception, as described in the first periodic report

on those articles in respect of the Territory (E/1982/3/Add.16, sect. V, p. 67). The exception is the size of population. This has decreased from 65 (1976 estimate) to 49 (July 1990).

XII. ST. HELENA

General

333. St. Helena has a population of 7,162 (1990 estimate) and an area of approximately 121 sq. km.

Article 13: Right to education

334. Education on St. Helena is provided free for all children from the ages of 5 to 15 years inclusive (11 years of compulsory schooling). Matters relating to education are governed by law under the Education Ordinance enacted in 1989. The State has overall responsibility for education, the policy-making body being the Education Committee. The majority of members of the Committee consists of elected legislative councillors. The chairman is an elected executive councillor. The Chief Education Officer is also a member of the Committee.

335. The educational system endeavours both to equip children with vocational skills and to develop the child as a person. To the latter end, subjects such as art and music are taught. The schools are also encouraged to take part in and support activities that help towards the development of young people. This is reflected in the extra-curricular activities that take place, particularly in the recently established high school. The island is fortunate in having complete integration between people of different races. Since this has happened over many generations, the St. Helenians now regard themselves as a common race with a common national identity. Children from all, predominantly Christian, denominations attend the State schools. Any child can opt on religious grounds not to participate in religious education taught in school. Any literature received from United Nations agencies is given to secondary schools and the objectives of the agencies are promoted.

Right to primary education

336. All children receive compulsory and free primary education.

Right to secondary education

337. All children receive compulsory and free secondary education. Broad-based vocational and technical education, geared to the needs of the island, are an integral part of the curriculum of secondary schooling. A comprehensive school system was set up in September 1988. Students progress from neighbourhood First School at 5 years to district Middle School at 8+ years and a central High School at 12+ years.

338. The central High School (Prince Andrew School) was set up as a community school. The facilities of the school programmes include post-schooling to 18+ years, day release classes, adult evening classes and leisure activities. The St. Helena Government formulated a youth training scheme for

persons of 16 to 18 years that combines classes at the High School with work experience, mostly in the form of apprenticeship training. An allowance is paid to all persons under the youth training scheme. Most students under the youth training scheme stay on at school in the first year where the following courses at United Kingdom GCSE level are on offer:

Compulsory courses

English (language and literature) or English (language only)

Mathematics

Physical education

Social education

Community involvement

Optional courses

Accounting

Music

History

Building studies

Craft: wood

Motor vehicle studies

Technical communication

Science (double option)

Art: drawing and painting

Office studies and information processing

Home economics: family, home and food

Home economics: child development

Home economics: food

Home economics: textiles

Agriculture - rural science (double option)

Keyboarding

Geography

Humanities

Craft: metal

Commerce and business studies

Maritime studies

Science (single option)

Art: 3-D studies

Right to fundamental education

339. Free and compulsory education is available to everyone between the ages of 5 and 15 years. The following table shows the numbers of children attending the various State schools in September 1991.

First schools	Boys	Girls
St. Paul's	18	22
Jamestown First	43	44
Half Tree Hollow	60	41
Sandy Bay	6	9
Levelwood	9	18
Longwood	29	32
Middle school		
Harford	57	64
Pilling	56	77
St. Paul's	92	76
Prince Andrew	184	197

Full-time post-school students at the same date: 50 boys and 60 girls.

Development of a system of schools

340. Laws relating to schooling are indicated in paragraph 323 above. Comparative figures are given for the money spent on developing the school system over the last three years 1989-1991 as follows (in pounds sterling):

Year	Schools current budget (including further education)	School development aid
1989	799 582	134 811
1990	857 850	156 379
1991	719 900	162 000

341. The Overseas Development Administration of the United Kingdom funded a project to upgrade education on the island to the amount of £4.8 million, much of it going to set up a new community high school. Technical help in the way of supplying 10 United Kingdom teachers was also part of the project. These teachers are now being phased out as local teacher qualifications are upgraded.

342. About 14 per cent of students stay on at school into years two and three of the youth training scheme. The remainder of students find work in the private sector, in government departments or as apprentices and attend the High School through day release and further education classes. Students wanting to receive tertiary education go to the United Kingdom under an Overseas Development Administration funded scholarship scheme allowing for five to six scholarships a year.

343. In addition, the State provides free nursery education for children from three and a half to five years of age in each district. Children attend nursery school for five mornings a week. Attendance in nursery school as of August 1991 was:

Boys	41
Girls	40
Total	81

Most parents take advantage of the nursery education offered.

Establishment of an adequate fellowship system

344. The United Kingdom Government provides courses in the United Kingdom for further training in various fields. Personnel from the various government departments attend courses in the United Kingdom ranging from four-year Bachelor of Education courses to three month attachments for different ranks in the police force. The scheme is extended to persons in the private sector, operating through the Small Industries Authority.

Improvement of the material conditions of teaching staff

345. The terms of service for the teaching staff are the same as those in other sectors of the government service. The Education Department endeavours to maintain a ratio of 1 teacher to every 20 pupils. In the nursery classes, the Education Department tries to maintain a ratio of 1 teacher to 10 pupils.

In work with preschool disabled children, the ratio is often one to one. A recently established special education needs unit operates in conjunction with a special medical centre for disabled children to form an integrated programme for learning.

346. Teachers form panels to develop the curriculum in both primary and secondary education. There is a Teachers' Association. The executive members are involved in the deployment of teachers to the various schools. Like many other government services the Education Department suffers from a wastage of teachers, about seven a year over the last six years taking up more profitable off-shore employment.

Right to choice of school

347. All children attending State schools have a right to attend any of the schools, though the existence of recognized catchment areas means that in practice most parents send their children to their neighbourhood school. (See para. 335 above regarding religious considerations.) English is the only language spoken on the island.

Liberty to establish and direct education institutions

348. The Education Ordinance provides for private schools to be set up with the approval of the Governor.

Article 14

349. Education from 5 to 15 years of age is free for all, both on St. Helena and in the Dependencies of Ascension and Tristan da Cunha.

Article 15

Right to take part in cultural life

350. The main government administrative body for the promotion of culture is the Information Service. Included in the services provided are the archives, the broadcasting station and the weekly newspaper. Various societies, clubs and voluntary organizations exist and many are given financial support by the Government.

351. Other cultural facilities are also provided by the Government Education Department and the Employment and Social Services Department:

(a) A small government grant is given to various voluntary organizations. Below is a list of grants given to organizations in 1991 (in pounds sterling):

Boy Scouts	50
Girl Guides	100
Church Lads Brigade	100

St. Helena Band	100
Sports Council	500
Royal Society for the Prevention of Cruelty to Animals	600
Rifle Association	300
Heritage Society	50
Duke of Edinburgh Award Scheme	100
Gettogethers Orchestra	100

There are other voluntary organizations which do not receive a government grant (for example, Corona Society, Friendly and Benefit Societies).

(b) A museum has been set up by the St. Helena Heritage Society, a voluntary body. The public library in the main centre of population is run by the Education Department. Community centres are run by the Employment and Social Service Department.

(c) St. Helena has a common culture heritage and there are no ethnic or minority groups.

(d) The radio, newspaper and locally produced films are part of the Government Information Services. The majority of radio programmes are produced by voluntary producers.

(e) Various international labour conventions apply to St. Helena. Consular relations are maintained with other countries under the Consular Relations Ordinance 1972.

(f) Limitations are imposed on obscene publications under the Obscene Publications Ordinance, 1930.

(g) Any publications containing information on professional education in the field of culture and art are placed in the public library.

Right to enjoy the benefits of scientific progress and its application

352. Various journals and other publications on scientific matters are available to the public in the public library. The radio station broadcasts a weekly half hour programme called: "BBC Science Magazine".

Protection of moral and material interests of authors

353. Restrictions on authors, for example under libel and obscenity laws, are comparable to those in the United Kingdom, as are their rights to the benefits of their authorship.

Steps taken for the conservation, development and diffusion of science and culture

354. In the educational system, the curriculum includes the study of science and the arts. Pupils are encouraged to engage in cultural activities, with a particular emphasis on music. A varied programme of evening classes is available to adults.

Right to the freedom of scientific research and creative activity

355. There are no restrictions on the exchange of scientific, technical and cultural information, or views and experience between scientists, writers, creative workers, artists and other creative individuals and their respective institutions.

Encouragement and development of international contracts and cooperation in the scientific and cultural fields

356. The development of international contacts in the scientific and cultural fields is usually brought about by islanders receiving training overseas or by the development of "links" between organizations on the island and counterpart organizations in the United Kingdom. The small size of the island community, the physical isolation of the island and restricted opportunities to travel to and from the island (which is served by a single ship at present) are factors restricting contact with international bodies in the scientific and cultural fields.

XIII. TURKS AND CAICOS ISLANDS

General

357. The Turks and Caicos Islands have a population of 11,465 (1990 census) and an area of approximately 500 sq. km.

Article 13: Right to education

358. The principal legislative measures in the Turks and Caicos Islands relevant to the right of everyone to education in its various aspects, as set out in article 13, are the Education Ordinance 1989 and the Education Regulations.

Right to primary education

359. The Education Ordinance and the Education Regulations provide for free and compulsory primary education in government-operated schools for all children from the age of 4 to the age of 14 years. There are special arrangements for students with learning disabilities, including the placement of specialist trained teachers in various schools and provision for physically disabled children at the Handicap Centres in Grand Turk, South Caicos, Providenciales and North Caicos. Private primary schools in the Islands charge nominal fees.

360. All children in the Islands are covered by primary education, in the sense that the children in every community have relatively easy access to a primary school and attendance of all children of school age is compulsory.

361. Primary education is universal and free.

Right to secondary education

362. There are government-operated high schools in Grand Turk, South Caicos, Providenciales and North Caicos. There is also a private high school in Providenciales. In these communities, therefore, secondary education is available and accessible to everyone, and admission is automatic at the age of 12 years. In the islands where there is no secondary school, the Government provides students with financial assistance in the form of a monthly grant to help them to meet the expense of boarding with families, relatives or friends while they attend the secondary school nearest to their home.

363. All four government-operated high schools have a technical and vocational wing where the subjects taught include woodwork, technical drawing, business studies and home economics. In addition, a new programme - the pre-vocational educational programme - has recently been instituted at all these schools. This programme is a curriculum that has been designed to meet the needs of the majority of students in the fourth and fifth years of high school. The curriculum is aimed at increasing basic skills of literacy and numeracy; providing, in the third year of high school, a range of experience to enable students to make a considered choice of a vocational/technical preparatory module; enabling students in the fourth and fifth years to develop skills in depth in one vocational area; increasing personal/social skills which will enable students to be self-confident, self-reliant and enterprising individuals who are able to work in teams to cope in a changing world; and enabling students to experience the world of work.

364. Education in government-operated high schools is free.

365. The main difficulty affecting the realization of the right to secondary education is the geographical separation of the islands. In the Caicos Islands, which form a more contiguous land mass than do the Turks Islands, the settlements are scattered, the road system is still rudimentary and public transportation is problematic. In order, therefore, to make secondary education equally available and accessible to everyone it would be necessary to reproduce in each island or settlement identical facilities on decreasing scales - an exercise requiring a severe strain on scarce resources.

Right to higher education

366. There are no post-secondary educational institutions in the Islands; and it has been suggested that, in view of the size of the Territory and the number of students who qualify annually to pursue tertiary-level studies, it would not be feasible economically for the Government to establish institutions at that level. In the light of development trends, however, the Government is now considering the establishment of a community college which

could cater for short-term training needs of the Islands and would reduce significantly the cost incurred in sending students overseas.

367. At present, higher education is available and accessible to all on the basis of capacity to benefit, in the sense that in each year the more promising young people are selected for training abroad under the sponsorship of donor aid agencies and with the support of funds provided by the United Kingdom Government, mainly through its Development Division in Barbados. Scholarships provided under these schemes provide for the payment of both tuition fees and monthly subsistence allowances, but recipients of such assistance are required to sign bonds committing them to work for the Government or in the Islands for a period of years on their return.

368. In addition to these schemes, the Government has established a high school leavers scholarship programme aimed at providing 12 scholarships annually to suitably qualified secondary school graduates who have a desire and the potential to benefit from further or higher education.

369. Difficulties involved in making higher education available to all are that:

(a) Not all students see the need for further studies, since job opportunities are sometimes limited;

(b) The Government itself relies on aid from training agencies, either metropolitan or international (the various agencies of the United Nations, the Commonwealth Fund for Technical Co-operation, etc.), for support for training; and

(c) The number of people who qualify annually for higher education was previously too small to warrant the establishment of a tertiary-level education institution in the Islands.

Right to fundamental education

370. More than a decade ago the literacy rate for the Islands was 75 per cent. It is believed that this must have risen slightly since then and a conservative estimate would probably put it at 80 per cent now. There is, however, at present no literacy programme designed to extend fundamental education to the 20 per cent of the population who may not be literate, many of whom may be non-English speakers rather than, strictly, illiterate. Until 1989 there was a national programme to combat illiteracy, but this was focused mainly on the non-English speakers: since the ending of that programme individuals and private organizations have been tackling the problem.

371. The main obstacle in the way of continuing that programme, and of fostering the right to fundamental education more generally, is the difficulty which the Government has in finding the resources to support education outside the primary and secondary levels.

Development of a system of schools

372. As indicated above, there is a government-operated primary school for each community settlement in the Islands - 14 such schools in all. In addition, there are church run primary schools. There are also four government-operated secondary schools (and, in Providenciales, one private secondary school).

373. The 1991-1992 education budget was more than $2 million representing a considerable percentage of the total recurrent budget. This sum provided for salaries of teachers and administrative staff, examination fees, school supplies and equipment, travel, utilities and communications. The building of schools is undertaken from capital aid funds received mainly from the United Kingdom Government.

374. Statistical data are as follows:

School	Location	Enrolment 1991-1992
Primary		
Ona Glinton	Grand Turk	250
South	Grand Turk	137
Mary Robinson	Salt Cay	49
Iris Stubbs	South Caicos	166
Adelaid Oemler	Bottle Creek	168
Hubert James	Kew	56
Sandy Point	Sandy Point	11
Loris Forbes	Whitby	30
Vera Hamilton	Bambarra	10
Oseta Jolly	Blue Hills	190
Five Cays	Five Cays	132
The Bight	The Bight	151
Charlotte Hall	Lorimers	11
Doris Robinson	Conch Bar	46
High		
H.J. Robinson	Grand Turk	368
Marjorie Basden	South Caicos	150
Raymond Gardiner	North Caicos	201
Clement Howell	Providenciales	224

375. The main difficulties encountered in this context are the unavoidable constraints in government fiscal policies.

Establishment of an adequate fellowship system

376. As indicated above, education at all levels in the Islands is largely free. This is so even for tertiary-level education which has to be undertaken abroad.

377. There is no discrimination on any basis except that it is the policy of the Government that those selected for post-secondary training should be Turks and Caicos Islanders, resident in the Islands.

378. Difficulties under this heading, where they exit, are minor and due to the lack of adequate funds.

Improvement of the material conditions of teaching staff

379. There are no special laws or administrative regulations, etc. designed specifically to improve the material conditions of teaching staff.

380. Teachers are paid on the basis of their qualifications in the categories of untrained, trained and graduate. Teachers are encouraged to continue their education and improve their qualifications. Over the years they have constituted a large proportion of those selected for higher education abroad.

381. Teachers have no industrial organization of their own, but they are represented in the Civil Service Association. They do not participate in the formulation of educational plans at a national level, but they do participate in the running of their particular schools within the framework of national policies.

382. Teachers in the Islands are not as well paid as their counterparts in other countries in the region. But this is a condition common to the Civil Service as a whole.

Right to choice of school

383. Although the Education Ordinance stipulates that children of school age are to attend a school controlled by the Education Department, transfers from the private to government-operated schools are not as a rule rejected. Nor is any legal action taken against parents who choose for their children schools other than those controlled by the Department.

384. The Education Ordinance prescribes that "the Bible shall be a daily class book in every government school and no child shall be excluded from any such school on account of his religious denomination". But because the population of the Islands is almost wholly Christian, there are in practice no cases where this provision might have the effect of precluding parents of other religions from ensuring the religious and moral education of their children in conformity with their own convictions. (Their right to do so, if such a case ever did arise, is, moreover, guaranteed by section 67 (2) of the Constitution).

385. The right to choice of school is respected in practice.

Liberty to establish and direct educational institutions

386. Under section 18 of the Education Ordinance, regulations may be made to prohibit or restrict the establishment of private schools and to specify the conditions to be satisfied by registered private schools. A licence to operate a private school may be withheld only if certain minimum standards are

not met. These concern: (a) the safety of the building; (b) the adequacy of sanitary facilities; (c) the qualifications and conduct of the teacher; and (d) the standard of work.

387. In practice, once these standards are met there is no interference with the liberty in question - as is evidenced by the several private schools which are operated in the Islands at present.

Article 14: Principle of compulsory education, free of charge for all

388. As explained above, primary education in the government-operated schools in the Islands is free and compulsory. The compulsory requirement also embraces the first four years of high school (compulsory school age extends, therefore, from 4 to 16); and education in government-operated high schools is free. In private primary schools nominal fees are charged, but attendance of school age children remains compulsory.

389. This principle has, accordingly, to a very large extent been realized in the Turks and Caicos Islands.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and the protection of the interests of authors

390. The Government recognizes the right of everyone in the Islands to take part in cultural life and to enjoy the benefits of scientific progress and its applications. There are no legal provisions placing restrictions on the exercise of these rights.

391. As part of the preparations for the Columbus celebrations of 1992, one of the oldest and best preserved houses in Grand Turk has been given by a private donor as the site for the National Museum. The donor is also providing further support, including the provision of funds for repairs and for the setting up of the Museum, for maintenance for three years and for the salary of a curator. The Museum houses the Molasses Reef wreck, which is the ship of the greatest age to have been found in the new world. The artifacts have been treated and documented by experts from Taxes A & M University. Two specialists, one from the Smithsonian Institute, set up the displays and educational material and also provided training for the curator.

392. A yearly national art competition among all the children attending government-operated schools throughout the Islands is held by the Reading Assistance Programme, a non-governmental organization, which provides the working materials (paper, crayons, paints, brushes, etc.). Twenty prizes are given and the picture which is adjudged to be the overall winner is made into a poster.

393. The National Parks Ordinance 1975 provides for the establishment of national parks and for the making of regulations in relation to them. So far 33 such parks have been designated. They include land and sea parks, wildlife sanctuaries, nature reserves and historical sites. Regulations are in force to govern public access to the national parks and to ensure that they are properly conserved and protected.

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